FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, February 29, 2024

The Senate was called to order at 9 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Landon Grant and Miss Sariah Weller, presented the Colors.

Page Mr. Ari Yamashita led the Senate in the Pledge of Allegiance.

The prayer was offered by Pastor Chad Johnson of Grace Lutheran Church, Seatac. Pastor Johnson was a guest of Senator Keiser.

MOTIONS

On motion of Senator Pedersen, the reading of the Journal of the previous day was dispensed with and it was approved.

On motion of Senator Pedersen, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

February 28, 2024

MR. PRESIDENT:
The Speaker has signed:

HOUSE BILL NO. 1879,
HOUSE BILL NO. 1890,
HOUSE BILL NO. 1898,
SUBSTITUTE HOUSE BILL NO. 1947,
HOUSE BILL NO. 1948,
HOUSE BILL NO. 1978,
HOUSE BILL NO. 1987,
SUBSTITUTE HOUSE BILL NO. 2015,
SUBSTITUTE HOUSE BILL NO. 2086,
ENGROSSED HOUSE BILL NO. 2088,
SUBSTITUTE HOUSE BILL NO. 2156,
SUBSTITUTE HOUSE BILL NO. 2165,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2256,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTIONS

On motion of Senator Pedersen, the Senate advanced to the eighth order of business.

On motion of Senator Pedersen, Senate Rule 20 was suspended for the remainder of the day to allow consideration of the floor resolution.

EDITOR'S NOTE: Senate Rule 20 requires floor resolutions to be submitted at least 24 hours before consideration.

MOTION

Senator Fortunato moved adoption of the following resolution:

SENATE RESOLUTION
8684

By Senators Fortunato, Stanford, Torres, and Warnick

WHEREAS, There are nearly 7,000 diseases and conditions considered rare (each affecting fewer than 200,000 Americans) in the United States, according to the National Institutes of Health; and

WHEREAS, While each of these diseases may affect small numbers of people, rare diseases as a group affect 25,000,000-30,000,000 Americans and 750,000 Washingtonians; and

WHEREAS, Many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected; and

WHEREAS, The Food and Drug Administration has approved drugs and biologics for more than 880 rare disease indications, but millions of Americans still have rare diseases for which there is no approved treatment; and

WHEREAS, Individuals and families affected by rare diseases often experience problems such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments or ancillary services; and

WHEREAS, While the public is familiar with some rare diseases and sympathetic to those affected, many patients and families affected by less widely known rare diseases bear a large share of the burden of funding research and raising public awareness to support the search for treatments; and

WHEREAS, Thousands of residents of Washington are among those affected by rare diseases since nearly one in 10 Americans has a rare disease; and

WHEREAS, The Orphan Drug Act has encouraged and promoted the discovery and development of biopharmaceuticals designed to treat and even cure rare diseases; and

WHEREAS, Many of the world-leading academic institutions, academic medical centers, biotech companies, and pharmaceutical companies conducting research and seeking cures for rare diseases are doing so in Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington state Senate commend the endeavor of finding cures for rare diseases and encourage all Washingtonians to recognize the struggle of those afflicted and their families and commit to a future of hope through compassionate care for our neighbors and scientific discovery.

Senator Fortunato spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8684.

The motion by Senator Fortunato carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced guests of Senator Fortunato: Ms. Lindsey Topping-Schuetz, Ms. Carolina Sommer, Ms. Sabrina Castillote, Ms. Sandra Sermone, and Ms. Kari Cunningham-Rosvik. who were seated in the gallery.

MOTION

On motion of Senator Pedersen, the Senate reverted to the seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Keiser moved that Travis A. Exstrom, Senate Gubernatorial Appointment No. 9187, be confirmed as a member of the Highline College Board of Trustees.

Senator Keiser spoke in favor of the motion.

MOTIONS

On motion of Senator Nobles, Senators Hunt, Kauffman and Saldaña were excused.

On motion of Senator Wagoner, Senator Fortunato was excused.

APPOINTMENT OF TRAVIS A. EXSTROM

The President declared the question before the Senate to be the confirmation of Travis A. Exstrom, Senate Gubernatorial Appointment No. 9187, as a member of the Highline College Board of Trustees.

The Secretary called the roll on the confirmation of Travis A. Exstrom, Senate Gubernatorial Appointment No. 9187, as a member of the Highline College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

Travis A. Exstrom, Senate Gubernatorial Appointment No. 9187, having received the constitutional majority was declared confirmed as a member of the Highline College Board of Trustees.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Trudeau moved that Christina Blocker, Senate Gubernatorial Appointment No. 9193, be confirmed as a member of the Bates Technical College Board of Trustees.

Senator Trudeau spoke in favor of the motion.

APPOINTMENT OF CHRISTINA BLOCKER

The President declared the question before the Senate to be the confirmation of Christina Blocker, Senate Gubernatorial Appointment No. 9193, as a member of the Bates Technical College Board of Trustees.

The Secretary called the roll on the confirmation of Christina Blocker, Senate Gubernatorial Appointment No. 9193, as a member of the Bates Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

Christina Blocker, Senate Gubernatorial Appointment No. 9193, having received the constitutional majority was declared confirmed as a member of the Bates Technical College Board of Trustees.

MOTION

On motion of Senator Pedersen, the Senate reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1146, by Representatives Paul, Steele, Ramel, Taylor, Callan, Rude, Timmons, Chopp, Lekanoff, Duerr, Ramos, Shavers, Stonier, Pollet, Santos, Riccelli, and Ormsby

Notifying high school students and their families about available dual credit programs and any available financial assistance.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 1146 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1146.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1146 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

HOUSE BILL NO. 1146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, by

House Committee on Education (originally sponsored by Representatives Bronoske, Simmons, Duerr, Ramel, Wylie, Paul, Jacobsen, Macri, Kloba, Leavitt, and Reed)

Expanding access to anaphylaxis medications in schools.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 1608 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1608.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1608 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1916, by House Committee on Appropriations (originally sponsored 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 measure was read the second time.

MOTION

On motion of Senator Frame, the rules were suspended, Substitute House Bill No. 1916 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Frame and Boehnke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1916.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1916 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

SUBSTITUTE HOUSE BILL NO. 1916, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1929, by House Committee on Appropriations (originally sponsored by Representatives Cortes, Eslick, Ortiz-Self, Leavitt, Duerr, Ramel, Slatter, Taylor, Orwall, Ryu, Reed, Simmons, Ormsby, Fey, Callan, Peterson, Timmons, Kloba, Macri, Street, Gregerson, Doglio, Paul, Chopp, Mena, Goodman, Lekanoff, Reeves, Fosse, Pollet, and Davis)

Supporting young adults following inpatient behavioral health treatment.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Second Substitute House Bill No. 1929 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Boehnke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1929.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1929 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

SECOND SUBSTITUTE HOUSE BILL NO. 1929, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2260, by Representatives Waters, Reeves, Leavitt, Kloba, and Cheney

Establishing civil penalties for the unlawful sale or supply of alcohol to minors.

The measure was read the second time.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 2260 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2260.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2260 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

HOUSE BILL NO. 2260, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2110, by Representatives Nance, Simmons, Callan, Lekanoff, and Reeves

Reorganizing statutory requirements governing high school graduation.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, House Bill No. 2110 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2110.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2110 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

HOUSE BILL NO. 2110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2127, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Schmidt, Berry, Leavitt, Reed, Ormsby, Graham, and Pollet)

Concerning workers' compensation incentives to return to work.

The measure was read the second time.

MOTION

On motion of Senator Keiser, the rules were suspended, Substitute House Bill No. 2127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2127.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2127 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

SUBSTITUTE HOUSE BILL NO. 2127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2335, by House Committee on Education (originally sponsored by Representatives Santos, Lekanoff, Nance, and Reed)

Concerning state-tribal education compacts.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 2335 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2335.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2335 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

SUBSTITUTE HOUSE BILL NO. 2335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1956, by House Committee on Appropriations (originally sponsored by Representatives Leavitt, Griffey, Ryu, Couture, Ramel, Slatter, Reed, Ormsby, Barnard, Callan, Timmons, Kloba, Cheney, Doglio, Paul, Berg, Lekanoff, Reeves, Riccelli, Wylie, Hackney, Pollet, and Shavers)

Addressing fentanyl and other substance use prevention education.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that overdoses and overdose deaths, particularly from synthetic opioids, have increased in recent years. According to the federal centers for disease control and prevention, among persons aged 14 through 18, overdose deaths increased 94 percent from 2019 to 2020 and 20 percent from 2020 to 2021. In 2021, over 75 percent of all drug overdose deaths involved opioids, with synthetic opioids, including fentanyl, accounting for nearly 88 percent of those deaths. Between 2022 and 2023, Washington saw the largest increase in overdose deaths of any state at 40 percent.

(2) The legislature recognizes that fatal overdose risk among adolescents is increasing due to widespread availability of illicitly manufactured fentanyl, proliferation of counterfeit pills resembling prescription drugs but containing illicit drugs, and ease of purchasing pills through social media. The United States drug enforcement administration states that there is significant risk that illegal drugs have been intentionally contaminated with fentanyl. As a result, many young people may ingest a lethal dose without knowing that they are consuming fentanyl.

(3) The legislature acknowledges that the level of public health crisis created by use of fentanyl and other synthetic opioids requires an immediate, substantial, and coordinated effort by national, state, and local public health, social service, and educational agencies working together.

(4) The legislature also acknowledges that the popularity of drugs grows and wanes forming distinct drug epidemics, similar to disease epidemics. As the popularity and availability of synthetic opioids wanes, it is likely that some other substance will pose the next acute public health crisis.

(5) Therefore, in order to combat the current public health crisis of abuse of fentanyl and other synthetic opioids, and to be prepared to address the next drug epidemic before it reaches crisis level, the legislature intends to direct the state department of health to deploy a statewide substance use prevention and awareness campaign that evolves to address the substance or substances with the greatest impact on the health of Washington youth and their families, diverse regions and communities, and the broader public. The legislature also intends for the public education system to actively incorporate campaign messages and materials in classrooms, as well as in family and community communications.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.70 RCW to read as follows:

(1) The department shall develop, implement, and maintain a statewide drug overdose prevention and awareness campaign to address the drug overdose epidemic.

(2)(a) The campaign must educate the public about the dangers of methamphetamines and opioids, including fentanyl, and the harms caused by drug use. The campaign must include outreach to both youth and adults aimed at preventing substance use and overdose deaths.

(b) The department, in consultation with the health care authority, may also include messaging focused on substance use disorder and overdose death prevention, resources for addiction treatment and services, and information on immunity for people who seek medical assistance in a drug overdose situation pursuant to RCW 69.50.315.

(3) The 2024 and 2025 campaigns must focus on increasing the awareness of the dangers of fentanyl and other synthetic opioids, including the high possibility that other drugs are contaminated with synthetic opioids and that even trace amounts of synthetic opioids can be lethal.

(4) Beginning June 30, 2025, and each year thereafter, the department must submit a report to the appropriate committees of the legislature on the content and distribution of the statewide drug overdose prevention and awareness campaign. The report must include a summary of the messages distributed during the campaign, the mediums through which the campaign was operated, and data on how many individuals received information through the campaign. The department must identify measurable benchmarks to determine the effectiveness of the campaign and recommend whether the campaign should continue and if any changes should be made to the campaign. The report must be submitted in compliance with RCW 43.01.036.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300 RCW to read as follows:

(1) The office of the superintendent of public instruction shall

collaborate with the department of health, the health care authority, other state agencies, and educational service districts to develop age-appropriate substance use prevention and awareness materials for school and classroom uses. These materials must be periodically updated to align with substance use prevention and awareness campaigns implemented by the department of health and the health care authority.

(2) The office of the superintendent of public instruction shall actively distribute the materials developed under subsection (1) of this section to school districts, public schools, educational service districts, and community-based organizations that provide extended learning opportunities, and strongly encourage the incorporation of age-appropriate materials in classrooms, as well as in family and community communications.

NEW SECTION. **Sec. 4.** (1) The office of the superintendent of public instruction shall collaborate with the department of health, the health care authority, other state agencies, and educational service districts to develop school and classroom materials on the lethality of fentanyl and other opioids in coordination with the public health campaign created in section 2 of this act. The office of the superintendent of public instruction must make these materials available to school districts and public schools.

(2) By December 1, 2025, the office of the superintendent of public instruction shall adjust the state health and physical education learning standards for middle and high school students to add opioids to the list of drugs included in drug-related education and update the school and classroom materials developed under subsection (1) of this section to reflect the adjusted standards required by this subsection (2). The office of the superintendent of public instruction must make these materials available to school districts and public schools.

(3) This section expires July 1, 2026.

NEW SECTION. **Sec. 5.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 7.** This act may be known and cited as the Lucas Petty act."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "adding a new section to chapter 43.70 RCW; adding a new section to chapter 28A.300 RCW; creating new sections; providing an expiration date; and declaring an emergency."

Senators Wellman and Hawkins spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means to Engrossed Second Substitute House Bill No. 1956.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute House Bill No. 1956 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and Wilson, L. spoke in favor of passage of the bill.

MOTION

On motion of Senator Nobles, Senators Nguyen and Robinson were excused.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1956.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1956 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Maria Petty, mother of Lucas Petty and Mr. Dan Trujillo, grandfather of Lucas Petty, who were seated in the gallery.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2003, by House Committee on Finance (originally sponsored 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 measure was read the second time.

MOTION

On motion of Senator Fortunato, the rules were suspended, Engrossed Substitute House Bill No. 2003 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Fortunato and Kuderer spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2003.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2003 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2020, by House Committee on Innovation, Community & Economic Development, & Veterans (originally sponsored by Representatives Timmons, Abbarno, Leavitt, Ryu, Ramel, Reed, Ormsby, Rule, Donaghy, Doglio, Cheney, Reeves, Wylie, Paul, and Shavers)

Creating a state administered public infrastructure assistance program within the emergency management division.

The measure was read the second time.

MOTION

On motion of Senator Valdez, the rules were suspended, Substitute House Bill No. 2020 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Valdez and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2020.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2020 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt, Kauffman and Saldaña

SUBSTITUTE HOUSE BILL NO. 2020, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2428, by House Committee on Local Government (originally sponsored by Representatives Klicker, Rude, and Springer)

Allowing cities to voluntarily share certain sales and use tax revenue.

The measure was read the second time.

MOTION

On motion of Senator Dozier, the rules were suspended, Substitute House Bill No. 2428 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2428.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2428 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt and Saldaña

SUBSTITUTE HOUSE BILL NO. 2428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2091, by House Committee on State Government & Tribal Relations (originally sponsored by Representatives Bronoske, Griffey, Leavitt, Fitzgibbon, Chapman, Reed, Ormsby, Ramel, Callan, Rule, Timmons, Bergquist, Goodman, Rude, Fosse, Nance, Ryu, Schmidt, Stearns, Waters, Paul, Reeves, and Kloba)

Establishing a fallen firefighter memorial.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Substitute House Bill No. 2091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2091.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2091 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senators Hunt and Saldaña

SUBSTITUTE HOUSE BILL NO. 2091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2147, by House Committee on Appropriations (originally sponsored by Representatives Dent, Chapman, Schmick, and Reeves)

Concerning agriculture pest and disease response.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington agriculture is complex and highly diverse, producing more than 300 agricultural commodities on over 35,900 farms. Agricultural production in Washington is highly valued, generating $12,800,000,000 per year in production value, not including over $17,000,000,000 in food and agricultural products that pass through Washington's ports annually.

(2) The legislature also finds that the Washington state department of agriculture's statutory duties include monitoring and responding to new, emerging, and transboundary plant and animal pests and diseases. Pest and disease challenges, to the state's food systems, public health, and the environment, have increased in frequency and severity due to changing climate patterns and global trade flows.

(3) In order to better protect Washington's food and agricultural economy, public health, and the environment, the legislature intends to provide more reliable and readily available funding to prevent, quickly detect, and rapidly respond to emerging threats from agricultural pests and diseases.

NEW SECTION. **Sec. 2.** (1) The agricultural pest and disease response account is created in the state treasury. All receipts from moneys received pursuant to section 3 of this act, moneys appropriated to the account by the legislature, or moneys directed to the account from any other lawful source, for the purpose of funding emerging agricultural pest and disease response activities, must be deposited into the account. Moneys in the account may be spent only after appropriation.

(2) Following a declaration of emergency under RCW 17.24.171 or issuance of a quarantine order under RCW 16.36.010 or 17.24.041, expenditures from the account may be used only for activities necessary to respond to emerging agricultural pest and disease threats in order to protect the food and agricultural economy of the state, the public health of the state, or the environment of the state including, but not limited to, actions authorized under this chapter and chapters 15.08, 16.36, 16.38, and 17.24 RCW.

(3) By October 1st following any fiscal year in which expenditures were made from the account, the department must provide the director of the office of financial management with a close-out cost summary of expenditures authorized for that fiscal year.

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.

Sec. 4. RCW 17.24.171 and 2003 c 314 s 6 are each amended to read as follows:

(1) If the director determines that there exists an imminent danger of an infestation of plant pests or plant diseases that seriously endangers the agricultural or horticultural industries of the state, or that seriously threatens life, health, economic well-being, or the environment, the director shall request the governor to order emergency measures to control the pests or plant diseases under RCW 43.06.010(13). The director's findings shall contain an evaluation of the affect of the emergency measures on public health.

(2) If an emergency is declared pursuant to RCW 43.06.010(13), the director may appoint a committee to advise the governor through the director and to review emergency measures necessary under the authority of RCW 43.06.010(13) and this section and make subsequent recommendations to the governor. ((~~The committee shall include representatives of the agricultural industries, state and local government, public health interests, technical service providers, and environmental organizations.~~)) Invitations to participate on the committee must include representatives of the affected agricultural industries, state and local government, federally recognized tribes, public health interests, technical service providers, and environmental organizations.

(3) Upon the order of the governor of the use of emergency measures, the director is authorized to implement the emergency measures to prevent, control, or eradicate plant pests or plant diseases that are the subject of the emergency order. Such measures, after thorough evaluation of all other alternatives, may include the aerial application of pesticides.

(4) Upon the order of the governor of the use of emergency measures, the director is authorized to enter into agreements with individuals, companies, or agencies, to accomplish the prevention, control, or eradication of plant pests or plant diseases, notwithstanding the provisions of chapter 15.58 or 17.21 RCW, or any other statute.

(5) The director shall continually evaluate the emergency measures taken and report to the governor at intervals of not less than ((~~ten~~)) 60 days. The director shall immediately advise the governor if he or she finds that the emergency no longer exists or if certain emergency measures should be discontinued.

NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act are each added to chapter 43.23 RCW."

On page 1, line 1 of the title, after "response;" strike the remainder of the title and insert "amending RCW 17.24.171; adding new sections to chapter 43.23 RCW; and creating a new section."

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Agriculture, Water, Natural Resources & Parks to Substitute House Bill No. 2147.

The motion by Senator Van De Wege carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Substitute House Bill No. 2147 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2147.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2147 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SUBSTITUTE HOUSE BILL NO. 2147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2318, by Representatives Orcutt, Wylie, Cheney, and Abbarno

Concerning state route number 501.

The measure was read the second time.

MOTION

On motion of Senator Shewmake, the rules were suspended, House Bill No. 2318 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shewmake spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2318.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2318 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Saldaña

HOUSE BILL NO. 2318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Gildon: “As you know Leap Year only comes around once every four years so it is not very often that you come across someone who has a birthday on Leap Year. So, I would just like to rise today and honor, a man who has meant a great deal to me over my life, someone, there is basically two people in my life who have served as role models for me and examples for how to live a good life. And this is one of them, and it’s my father-in-law, he is actually turning 20 today. And so, I just wanted to, hope you’ll join me in wishing my father-in-law Marshall a happy 20th and in four more years he will technically be old enough to purchase alcohol. So, Happy Birthday.”

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2214, by House Committee on Appropriations (originally sponsored by Representatives Slatter, Bergquist, Chopp, Ramel, Reeves, Paul, Morgan, Gregerson, Ormsby, Alvarado, Reed, Fosse, Macri, Goodman, Pollet, Leavitt, Timmons, Davis, Riccelli, and Duerr)

Permitting beneficiaries of public assistance programs to automatically qualify as income-eligible for the purpose of receiving the Washington college grant.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 844 by Senator Braun be adopted:

On page 2, line 9, after "assistance" insert "and have received a certificate confirming eligibility from the office in accordance with RCW 28B.92.225"

On page 2, line 25, after "74.08A.120" insert "and have received a certificate confirming eligibility from the office in accordance with RCW 28B.92.225"

On page 4, line 1, after "28B.92.200(5)(a)" strike "(iii) or (iv)" and insert "(ii), (iii), or (iv)"

Senators Braun and Holy spoke in favor of adoption of the amendment.

Senator Randall spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 844 by Senator Braun on page 2, line 9 to Second Substitute House Bill No. 2214.

The motion by Senator Braun failed and floor amendment no. 844 was not adopted by voice vote.

MOTION

On motion of Senator Randall, the rules were suspended, Second Substitute House Bill No. 2214 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Randall spoke in favor of passage of the bill.

Senators Holy, Wagoner and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2214.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2214 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Excused: Senator Saldaña

SECOND SUBSTITUTE HOUSE BILL NO. 2214, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589, by House Committee on Environment & Energy (originally sponsored by Representatives Doglio, Fitzgibbon, Berry, Alvarado, Bateman, Ramel, Peterson, Lekanoff, Hackney, Macri, and Kloba)

Supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future.

The measure was read the second time.

MOTION

Senator Nguyen moved that the following committee striking amendment by the Committee on Environment, Energy & Technology be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that the state's gas and electrical companies face transformational change brought on by new technology, emerging opportunities for customers, and state clean energy laws. Chapter 19.405 RCW, the Washington clean energy transformation act, and chapter 70A.65 RCW, the Washington climate commitment act, require these companies to find innovative and creative solutions to equitably serve their customers, provide clean energy, reduce emissions, and keep rates fair, just, reasonable, and sufficient.

(2) Gas companies that serve over 500,000 gas customers in Washington state, which are also electrical companies, or large combination utilities, play an important role in providing affordable and reliable heating and other energy services, and in leading the implementation of state climate policies. As the state transitions to cleaner sources of energy, large combination utilities are an important partner in helping their customers make smart energy choices, including actively supporting the replacement of fossil fuel-based space and water heating equipment and other fossil fuel-based equipment with high-efficiency nonemitting equipment. Programs to accelerate the adoption of efficient, nonemitting appliances have the potential to allow large combination utilities to optimize the use of energy infrastructure, improve the management of energy loads, better manage the integration of variable renewable energy resources, reduce greenhouse gas emissions from the buildings sector, mitigate the environmental impacts of utility operations and power purchases, and improve health outcomes for occupants. Legislative clarity is important for utilities to offer programs and services, including incentives, in the decarbonization of homes and buildings for their customers.

(3) In order to meet the statewide greenhouse gas limits in the energy sectors of the economy, more resources must be directed toward achieving decarbonization of residential and commercial heating loads and other loads that are served with fossil fuels, while continuing to protect all customers, but especially low-income customers, vulnerable populations, highly impacted communities, and overburdened communities. The legislature finds that regulatory innovation may be needed to remove barriers that large combination utilities may face to meet the state's public policy objectives and expectations. The enactment of chapter 188, Laws of 2021 (Engrossed Substitute Senate Bill No. 5295) began that regulatory transition from traditional cost-of-service regulation, with investor-owned gas and electrical companies using forward-looking multiyear rate plans and taking steps toward performance-based regulation. These steps are intended to provide certainty and stability to both customers and to investor-owned gas and electrical companies, aligning public policy objectives with investments, safety, and reliability.

(4) The legislature finds that as Washington transitions to 100 percent clean electricity and as the state implements the Washington climate commitment act, switching from fossil fuel-based heating equipment and other fossil fuel-based appliances to high-efficiency nonemitting equipment will reduce climate impacts and fuel price risks for customers in the long term. This new paradigm requires a thoughtful transition to decarbonize the energy system to ensure that all customers benefit from the transition, that customers are protected, are not subject to sudden price shocks, and continue to receive needed energy services, with an equitable allocation of benefits and burdens. This transition will require careful and integrated planning by and between utilities, the commission, and customers, as well as new regulatory tools.

(5) It is the intent of the legislature to require large combination utilities to decarbonize their systems by: (a) Prioritizing efficient and cost-effective measures to transition customers off of the direct use of fossil fuels at the lowest reasonable cost to customers; (b) investing in the energy supply, storage, delivery, and demand-side resources that will be needed to serve any increase in electrical demand affordably and reliably; (c) maintaining safety and reliability as the gas system undergoes transformational changes; (d) integrating zero-carbon and

carbon-neutral fuels to serve high heat and industrial loads where electrification may not be technically feasible; (e) managing peak demand of the electric system; and (f) ensuring an equitable distribution of benefits to, and reduction of burdens for, vulnerable populations, highly impacted communities, and overburdened communities that have historically been underserved by utility energy efficiency programs, and may be disproportionately impacted by rising fuel and equipment costs or experience high energy burden.

(6) It is the intent of the legislature to support this transition by adopting requirements for large combination utilities to conduct integrated system planning to develop specific actions supporting gas system decarbonization and electrification, and reduction in the gas rate base.

(7) It is the intent of the legislature to encourage a robust competitive wholesale market for generation, storage, and demand-side resources to serve the state's electrical companies, other electric utilities, and end-users that secure their own power supply.

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

(1) "Carbon dioxide equivalent" has the same meaning as provided in RCW 70A.65.010.

(2) "Combined heat and power" has the same meaning as provided in RCW 19.280.020.

(3) "Commission" means the utilities and transportation commission.

(4) "Conservation and efficiency resources" means any reduction in electric or natural gas consumption that results from increases in the efficiency of energy use, production, transmission, transportation, or distribution.

(5) "Cost effective" means that a project or resource is, or is forecast to:

(a) Be reliable and available within the time it is needed; and

(b) Reduce greenhouse gas emissions and meet or reduce the energy demand or supply an equivalent level of energy service to the intended customers at an estimated long-term incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof, including the cost of compliance with chapter 70A.65 RCW, based on the forward allowance ceiling price of allowances approved by the department of ecology under RCW 70A.65.160.

(6) "Costs of greenhouse gas emissions" means the costs of greenhouse gas emissions established in RCW 80.28.395 and 80.28.405.

(7) "Delivery system" includes any power line, pipe, equipment, apparatus, mechanism, machinery, instrument, or ancillary facility used by a large combination utility to deliver electricity or gas for ultimate consumption by a customer of the large combination utility.

(8) "Demand flexibility" means the capacity of demand-side loads to change their consumption patterns hourly or on another timescale.

(9) "Electrical company" has the same meaning as provided in RCW 80.04.010.

(10)(a) "Electrification" means the installation of energy efficient electric end-use equipment.

(b) Electrification programs may include weatherization and conservation and efficiency measures.

(11) "Electrification readiness" means upgrades or changes required before the installation of energy efficient electric end-use equipment to prevent heat loss from homes including, but not limited to: Structural repairs, such as roof repairs, preweatherization, weatherization, and electrical panel and wiring upgrades.

(12) "Emissions baseline" means the actual cumulative greenhouse gas emissions of a large combination utility, calculated pursuant to chapter 70A.65 RCW, for the five-year period beginning January 1, 2015, and ending December 31, 2019.

(13) "Emissions reduction period" means one of five periods of five calendar years each, with the five periods beginning on January 1st of calendar years 2030, 2035, 2040, 2045, and 2050, respectively.

(14) "Emissions reduction target" means a targeted reduction of projected cumulative greenhouse gas emissions of a large combination utility approved by the commission for an emissions reduction period that is at least as stringent as the limits established in RCW 70A.45.020.

(15) "Gas company" has the same meaning as provided in RCW 80.04.010.

(16) "Geographically targeted electrification" means the geographically targeted transition of a portion of gas customers of the large combination utility with an intent to electrify loads of such customers and, in conjunction, to reduce capital and operational costs of gas operations of the large combination utility serving such customers.

(17) "Greenhouse gas" has the same meaning as provided in RCW 70A.45.010.

(18) "Highly impacted community" has the same meaning as provided in RCW 19.405.020.

(19) "Integrated system plan" means a plan that the commission may approve, reject, or approve with conditions pursuant to section 3 of this act.

(20) "Large combination utility" means a public service company that is both an electrical company and a gas company that serves more than 800,000 retail electric customers and 500,000 retail gas customers in the state of Washington as of June 30, 2024.

(21) "Low-income" has the same meaning as provided in RCW 19.405.020.

(22) "Lowest reasonable cost" means the lowest cost mix of demand-side and supply side resources and decarbonization measures determined through a detailed and consistent analysis of a wide range of commercially available resources and measures. At a minimum, this analysis must consider long-term costs and benefits, market-volatility risks, resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the large combination utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, the cost of risks associated with environmental effects including potential spills and emissions of carbon dioxide, and the need for security of supply.

(23) "Multiyear rate plan" means a multiyear rate plan of a large combination utility filed with the commission pursuant to RCW 80.28.425.

(24) "Natural gas" has the same meaning as provided in RCW 19.405.020.

(25) "Nonemitting electric generation" has the same meaning as provided in RCW 19.405.020.

(26) "Nonpipeline alternative" means activities or investments that delay, reduce, or avoid the need to build, upgrade, or repair gas plant, such as pipelines and service lines.

(27) "Overburdened community" has the same meaning as provided in RCW 70A.65.010.

(28) "Overgeneration event" has the same meaning as provided in RCW 19.280.020.

(29) "Renewable resource" has the same meaning as provided

in RCW 19.405.020.

(30) "Supply side resource" means, as applicable: (a) Any resource that can provide capacity, electricity, or ancillary services to the large combination utility's electric delivery system; or (b) any resource that can provide conventional or nonconventional gas supplies to the large combination utility's gas delivery system.

(31) "System cost" means actual direct costs or an estimate of all direct costs of a project or resource over its effective life including, if applicable: The costs of transmission and distribution to the customers; waste disposal costs; permitting, siting, mitigation, and end-of-cycle decommissioning and remediation costs; fuel costs, including projected increases; resource integration and balancing costs; and such quantifiable environmental costs and benefits and other energy and nonenergy benefits as are directly attributable to the project or resource, including flexibility, resilience, reliability, greenhouse gas emissions reductions, and air quality.

(32) "Vulnerable populations" has the same meaning as provided in RCW 19.405.020.

NEW SECTION. **Sec. 3.** (1) The legislature finds that large combination utilities are subject to a range of reporting and planning requirements as part of the clean energy transition. The legislature further finds that current natural gas integrated resource plans under development might not yield optimal results for timely and cost-effective decarbonization. To reduce regulatory barriers, achieve equitable and transparent outcomes, and integrate planning requirements, the commission may consolidate a large combination utility's planning requirements for both gas and electric operations, including consolidation into a single integrated system plan that is approved by the commission.

(2)(a) By July 1, 2025, the commission shall complete a rule-making proceeding to implement consolidated planning requirements for gas and electric services for large combination utilities that may include, but are not limited to, plans required under: (i) Chapter 19.280 RCW; (ii) chapter 19.285 RCW; (iii) chapter 19.405 RCW; (iv) chapter 70A.65 RCW; (v) RCW 80.28.380; (vi) RCW 80.28.365; (vii) RCW 80.28.425; (viii) existing pipeline safety and replacement plans; and (ix) planning requirements ordered by the commission, such as electrification and decarbonization plans. The commission may consider exemptions from any rules necessary to facilitate integrated system planning for large combination utilities. The commission may extend the rule-making proceeding for 90 days for good cause shown. The large combination utilities' filing deadline required in subsection (4) of this section will be extended commensurate to the rule-making extension period set by the commission. Subsequent planning requirements for future integrated system plans must be fulfilled on a timeline set by the commission. Large combination utilities that file integrated system plans are no longer required to file plans consolidated into the integrated system plan. The statutorily required contents of any plan consolidated into an integrated system plan must be met by the integrated system plan.

(b) In its order adopting rules or issuing a policy statement approving the consolidation of planning requirements, the commission shall include a compliance checklist and any additional guidance that is necessary to assist the large combination utility in meeting the minimum requirements of all relevant statutes and rules.

(3) Upon request by a large combination utility, the commission may issue an order extending the filing and reporting requirements of a large combination utility under chapters 19.405 and 19.280 RCW, and requiring the large combination utility to file an integrated system plan pursuant to subsection (4) of this section if the commission finds that the large combination utility has made public a work plan that demonstrates reasonable progress toward meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and achieving equity goals. The commission's approval of an extension of filing and reporting requirements does not relieve the large combination utility from the obligation to demonstrate progress towards meeting the standards under RCW 19.405.040(1) and 19.405.050(1) and the interim targets approved in its most recent clean energy implementation plan. Commission approval of an extension under this section fulfills the large combination utilities statutory filing deadlines under RCW 19.405.060(1).

(4) By January 1, 2027, and on a timeline set by the commission thereafter, large combination utilities shall file an integrated system plan demonstrating how the large combination utilities' plans are consistent with the requirements of this chapter and any rules and guidance adopted by the commission, and which:

(a) Achieve the obligations of all plans consolidated into the integrated system plan;

(b) Provide a range of forecasts, for at least the next 20 years, of projected customer demand that takes into account econometric data and addresses changes in the number, type, and efficiency of customer usage;

(c) Include scenarios that achieve emissions reductions for both gas and electric operations equal to at least their proportional share of emissions reductions required under RCW 70A.45.020;

(d) Include scenarios with emissions reduction targets for both gas and electric operations for each emissions reduction period that account for the interactions between gas and electric systems;

(e) Achieve two percent of electric load annually with conservation and energy efficiency resources, unless the commission finds that a higher target is cost effective. However, the commission may accept a lower level of achievement if it determines that the requirement in this subsection (4)(e) is neither technically nor commercially feasible during the applicable emissions reduction period;

(f) Assess commercially available conservation and efficiency resources, including demand response and load management, to achieve the conservation and energy efficiency requirements in (e) of this subsection, and as informed by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (b) of this subsection. Such an assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources. The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost effectiveness under this subsection;

(g) Achieve annual demand response and demand flexibility equal to or greater than 10 percent of winter and summer peak electric demand, unless the commission finds that a higher target is cost effective. However, the commission may accept a lower level of achievement if it determines that the requirement in this subsection (4)(g) is neither technically nor commercially feasible during the applicable emissions reduction period;

(h) Achieve all cost-effective electrification of end uses currently served by natural gas identified through an assessment of alternatives to known and planned gas infrastructure projects, including nonpipeline alternatives, rebates and incentives, and geographically targeted electrification;

(i) Include low-income electrification programs that must:

(i) Include rebates and incentives to low-income customers and customers experiencing high energy burden for the deployment of high-efficiency electric-only heat pumps in homes and

buildings currently heating with wood, oil, propane, electric resistance, or gas;

(ii) Provide demonstrated material benefits to low-income participants including, but not limited to, decreased energy burden, the addition of air conditioning, and backup heat sources or energy storage systems, if necessary to protect health and safety in areas with frequent outages, or improved indoor air quality;

(iii) Enroll customers in energy assistance programs or provide bill assistance;

(iv) Provide dedicated funding for electrification readiness;

(v) Include low-income customer protections to mitigate energy burden, if electrification measures will increase a low-income participant's energy burden; and

(vi) Coordinate with community-based organizations in the gas or electrical company's service territory including, but not limited to, grantees of the department of commerce, community action agencies, and community-based nonprofit organizations, to remove barriers and effectively serve low-income customers;

(j) Accept as proof of eligibility for energy assistance enrollment in any means-tested public benefit, or low-income energy assistance program, for which eligibility does not exceed the low-income definition set by the commission pursuant to RCW 19.405.020;

(k) Assess the potential for geographically targeted electrification including, but not limited to, in overburdened communities, on gas plant that is fully depreciated or gas plant that is included in a proposal for geographically targeted electrification that requires accelerating depreciation pursuant to section 7(1) of this act for the gas plant subject to such electrification proposal;

(l) Assess commercially available supply side resources, including a comparison of the benefits and risks of purchasing electricity or gas or building new resources;

(m) Assess nonpipeline alternatives, including geographically targeted electrification and demand response, as an alternative to replacing aging gas infrastructure or expanded gas capacity. Assessments must involve, at a minimum:

(i) Identifying all known and planned gas infrastructure projects, including those without a fully defined scope or cost estimate, for at least the 10 years following the filing;

(ii) Estimating programmatic expenses of maintaining that portion of the gas system for at least the 10 years following the filing; and

(iii) Ranking all gas pipeline segments for their suitability for nonpipeline alternatives;

(n) Assess distributed energy resources that meets the requirements of RCW 19.280.100;

(o) Provide an assessment and 20-year forecast of the availability of and requirements for regional supply side resource and delivery system capacity to provide and deliver electricity and gas to the large combination utility's customers and to meet, as applicable, the requirements of chapter 19.405 RCW and the state's greenhouse gas emissions reduction limits in RCW 70A.45.020. The delivery system assessment must identify the large combination utility's expected needs to acquire new long-term firm rights, develop new, or expand or upgrade existing, delivery system facilities consistent with the requirements of this section and reliability standards and take into account opportunities to make more effective use of existing delivery facility capacity through improved delivery system operating practices, conservation and efficiency resources, distributed energy resources, demand response, grid modernization, nonwires solutions, and other programs if applicable;

(p) Assess methods, commercially available technologies, or facilities for integrating renewable resources and nonemitting electric generation including, but not limited to, battery storage and pumped storage, and addressing overgeneration events, if applicable to the large combination utility's resource portfolio;

(q) Provide a comparative evaluation of supply side resources, delivery system resources, and conservation and efficiency resources using lowest reasonable cost as a criterion;

(r) Include a determination of resource adequacy metrics for the integrated system plan consistent with the forecasts;

(s) Forecast distributed energy resources that may be installed by the large combination utility's customers and an assessment of their effect on the large combination utility's load and operations;

(t) Identify an appropriate resource adequacy requirement and measurement metric consistent with prudent utility practice in implementing RCW 19.405.030 through 19.405.050;

(u) Integrate demand forecasts, resource evaluations, and resource adequacy requirements into a long-range assessment describing the mix of supply side resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the lowest reasonable cost and risk to the large combination utility and its customers, while maintaining and protecting the safety, reliable operation, and balancing of the energy system of the large combination utility;

(v) Include an assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and the avoidance and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk;

(w) Include a 10-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard;

(x) Include an analysis of how the integrated system plan accounts for:

(i) Model load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a large combination utility's service area, including anticipated levels of zero emissions vehicle use in the large combination utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts, which may use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520;

(y) Establish that the large combination utility has:

(i) Consigned to auction for the benefit of ratepayers the minimum required number of allowances allocated to the large combination utility for the applicable compliance period pursuant to RCW 70A.65.130, consistent with the climate commitment act, chapter 70A.65 RCW, and rules adopted pursuant to the climate commitment act; and

(ii) Prioritized, to the maximum extent permissible under the climate commitment act, chapter 70A.65 RCW, revenues derived from the auction of allowances allocated to the utility for the applicable compliance period pursuant to RCW 70A.65.130, first to programs that eliminate the cost burden for low-income ratepayers, such as bill assistance, nonvolumetric credits on ratepayer utility bills, or electrification programs, and second to electrification programs benefiting residential and small commercial customers;

(z) Propose an action plan outlining the specific actions to be taken by the large combination utility in implementing the

integrated system plan following submission; and

(aa) Report on the large combination utility's progress towards implementing the recommendations contained in its previously filed integrated system plan.

(5) In evaluating the lowest reasonable cost of decarbonization measures included in an integrated system plan, large combination utilities must apply a risk reduction premium that must account for the applicable allowance ceiling price approved by the department of ecology pursuant to the climate commitment act, chapter 70A.65 RCW. For the purpose of this chapter, the risk reduction premium is necessary to ensure that a large combination utility is making appropriate long-term investments to mitigate against the allowance and fuel price risks to customers of the large combination utility.

(6) The clean energy action plan must:

(a) Identify and be informed by the large combination utility's 10-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable;

(b) Establish a resource adequacy requirement;

(c) Identify the potential cost-effective demand response and load management programs that may be acquired;

(d) Identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the large combination utility's resource adequacy requirement;

(e) Identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities and document existing and planned efforts by the large combination utility to make more effective use of existing transmission capacity and secure additional transmission capacity consistent with the requirements of subsection (4)(o) of this section; and

(f) Identify the nature and possible extent to which the large combination utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

(7) A large combination utility shall consider the social cost of greenhouse gas emissions, as determined by the commission pursuant to RCW 80.28.405, when developing integrated system plans and clean energy action plans. A large combination utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(a) Evaluating and selecting conservation policies, programs, and targets;

(b) Developing integrated system plans and clean energy action plans; and

(c) Evaluating and selecting intermediate term and long-term resource options.

(8) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission.

(9)(a) To maximize transparency, the commission may require a large combination utility to make the utility's data input files available in a native format. Each large combination utility shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

(10) The commission shall establish by rule a cost test for emissions reduction measures achieved by large combination utilities to comply with state clean energy and climate policies. The cost test must be used by large combination utilities under this chapter for the purpose of determining the lowest reasonable cost of decarbonization and electrification measures in integrated system plans, at the portfolio level, and for any other purpose determined by the commission by rule.

(11) The commission must approve, reject, or approve with conditions an integrated system plan within 12 months of the filing of such an integrated system plan. The commission may for good cause shown extend the time by 90 days for a decision on an integrated system plan filed on or before January 1, 2027, as such date is extended pursuant to subsection (2)(a) of this section.

(12) In determining whether to approve the integrated system plan, reject the integrated system plan, or approve the integrated system plan with conditions, the commission must evaluate whether the plan is in the public interest, and includes the following:

(a) The equitable distribution and prioritization of energy benefits and reduction of burdens to vulnerable populations, highly impacted communities, and overburdened communities;

(b) Long-term and short-term public health, economic, and environmental benefits and the reduction of costs and risks;

(c) Health and safety concerns;

(d) Economic development;

(e) Equity;

(f) Energy security and resiliency;

(g) Whether the integrated system plan:

(i) Would achieve a proportional share of reductions in greenhouse gas emissions for each emissions reduction period on the gas and electric systems;

(ii) Would achieve the energy efficiency and demand response targets in subsection (4)(e) and (g) of this section;

(iii) Would achieve cost-effective electrification of end uses as required by subsection (4)(h) of this section;

(iv) Results in a reasonable cost to customers, and projects the rate impacts of specific actions, programs, and investments on customers;

(v) Would maintain system reliability and reduces long-term costs and risks to customers;

(vi) Would lead to new construction career opportunities and prioritizes a transition of natural gas and electricity utility workers to perform work on construction and maintenance of new and existing renewable energy infrastructure; and

(vii) Describes specific actions that the large combination utility plans to take to achieve the requirements of the integrated system plan.

NEW SECTION. **Sec. 4.** Large combination utilities shall work in good faith with other utilities, independent power producers, power marketers, end-use customers, and interested parties in the region to develop market structures and mechanisms that require the sale of wholesale electricity from generating resources in a manner that allows the greenhouse gas attributes of those resources to be accounted for when they are sold into organized markets.

NEW SECTION. **Sec. 5.** (1) Concurrent with an application for an integrated system plan pursuant to section 3 of this act, a large combination utility may propose to construct a new renewable or nonemitting electric generation or transmission facility, make a significant investment in an existing renewable or nonemitting electric generation or transmission facility, purchase an existing renewable or nonemitting electric generation or transmission facility, or enter into a power purchase agreement for the purchase of renewable or nonemitting electric energy or capacity for a period of five years or longer. The large combination utility may submit an application to the commission seeking a certificate of necessity for that construction, investment, or purchase, including entering into a power purchase agreement, if that construction, investment, or purchase costs $100,000,000 or more, requires the utility to begin incurring significant portions of those costs more than five years before the facility is estimated to be in service, and all or a portion of the costs would be allocable to retail customers in this state. A significant investment may include a group of investments undertaken jointly and located on

the same site for a singular purpose, such as increasing the capacity of an existing renewable or nonemitting electric generation or transmission plant. Applications must be submitted in conjunction with a large combination utility's integrated system plan. However, a large combination utility may submit an application outside of the integrated system plan process for a time-sensitive project.

(2) A large combination utility submitting an application under this section may request one or more of the following:

(a) A certificate of necessity that the electric energy or capacity to be supplied or transmitted as a result of the proposed construction, investment, or purchase, including entering into a power purchase agreement, is needed;

(b) A certificate of necessity that the size, fuel type, and other design characteristics of the existing or proposed electric generation or transmission facility or the terms of the power purchase agreement represent the most appropriate and reasonable means of meeting that power need;

(c) A certificate of necessity that the estimated purchase or capital costs of and the financing plan for the existing or proposed electric generation or transmission facility including, but not limited to, the costs of siting and licensing a new facility and the estimated cost of power from the new or proposed electric generation facility, or the cost of transmission on the new or proposed electric transmission facility, are reasonable; or

(d) A request to: (i) Recognize, accrue, and defer the allowance for funds used during construction; and (ii) recover financing interest costs in base rates on construction work in progress for capital improvements approved under this section prior to the assets being considered used and useful.

(3) The commission may approve, reject, or approve with conditions an application under this section if it is in the public interest.

(4) In a certificate of necessity under this section, the commission may specify the estimated costs included for the construction of or significant investment in the electric generation or transmission facility, the estimated price included for the purchase of the existing electric generation or transmission facility, or the estimated price included for the purchase of power pursuant to the terms of the power purchase agreement.

(5) The large combination utility shall file reports to the commission regarding the status of any project for which a certificate of necessity has been granted under this section, including an update concerning the cost and schedule of that project at intervals determined by the commission.

(6) If the commission denies any of the relief requested by a large combination utility, the large combination utility may withdraw its application or proceed with the proposed construction, purchase, investment, or power purchase agreement without a certificate and the assurance granted under this section under its ordinary course of business.

(7) If the assumptions underlying an approved certificate of necessity materially change, a large combination utility shall request, or the commission or potential intervenor on its own motion may initiate, a proceeding to review whether it is reasonable to complete an unfinished project for which a certificate of necessity has been granted. The commission shall list the assumptions underlying an approved certificate in the order approving the certificate. If the commission finds that the completion of the project is no longer reasonable, the commission may modify or cancel approval of the certificate of necessity. The commission may allow recovery of reasonable costs already incurred or committed to by contract. Once the commission finds that completion of the project is no longer reasonable, the commission may limit future cost recovery to those costs that could not be reasonably avoided. Nothing in this subsection may be construed as amending, modifying, or repealing any existing authority of the commission to ascertain and determine the fair value for rate-making purposes of the property of any large combination utility.

(8) A proposed or existing supplier of electric generation capacity that seeks to provide electric generation energy or capacity resources to the large combination utility may submit a written proposal directly to the commission as an alternative to the construction, investment, or purchase, including entering into a power purchase agreement, for which the certificate of necessity is sought under this section. The entity submitting an alternative proposal under this subsection has standing to intervene and the commission may allow reasonable discovery in the contested case proceeding conducted under this subsection. In evaluating an alternative proposal, the commission may consider the cost of the alternative proposal and the submitting entity's qualifications, technical competence, capability, reliability, creditworthiness, and past performance. In reviewing an application, the commission may consider any alternative proposals submitted under this subsection. This subsection does not limit the ability of any other person to submit to the commission an alternative proposal to the construction, investment, or purchase, including entering into a power purchase agreement, for which a certificate of necessity is sought under this subsection and to petition for and be granted leave to intervene in the contested case proceeding conducted under this subsection under the rules of practice and procedure of the commission. This subsection does not authorize the commission to order or otherwise require a large combination utility to adopt any alternative proposal submitted under this subsection.

NEW SECTION. **Sec. 6.** (1) Large combination utilities must include the following in calculating the emissions baseline and projected cumulative emissions for an emissions reduction period, consistent with reporting of greenhouse gas emissions pursuant to the Washington clean air act, chapter 70A.15 RCW:

(a) Methane leaked from the transportation and delivery of gas from the gas distribution and service pipelines from the city gate to customer end use;

(b) Greenhouse gas emissions resulting from the combustion of gas by customers not otherwise subject to federal greenhouse gas emissions reporting and excluding all transport customers; and

(c) Emissions of methane resulting from leakage from delivery of gas to other gas companies.

(2) In calculating an emissions reduction target, a large combination utility must show its emissions baseline and projected cumulative greenhouse gas emissions for the applicable emissions reduction period separately and must show that the total emissions reductions are projected to make progress toward the achievement of the emissions reduction targets identified in the applicable integrated system plan. The final calculation must be presented on a carbon dioxide equivalent basis.

(3) All emissions are metric tons of carbon dioxide equivalent as reported to the federal environmental protection agency pursuant to 40 C.F.R. 98, either subpart W (methane) or subpart NN (carbon dioxide), or successor reporting requirements.

NEW SECTION. **Sec. 7.** (1) In any multiyear rate plan filed by a large combination utility pursuant to RCW 80.28.425 and in accordance with this chapter, the large combination utility must include an updated depreciation study that reduces the gas rate base consistent with an approved integrated system plan, and the commission may adopt depreciation schedules that accelerate cost recovery and reduce the rate base for any gas plant. The commission shall approve a depreciation schedule that depreciates all gas plants in service as of July 1, 2024, by a date

no later than January 1, 2050, in any multiyear rate plan, but the commission may adjust depreciation schedules for gas plants as necessary when considering future multiyear rate plans to address affordability provided all plants in service as of July 1, 2024, are fully depreciated by 2050.

(2) In any multiyear rate plan proposed by a large combination utility, the company may propose a merger of regulated gas and electric operations into a single rate base. The commission may approve the merger of electric and gas rate bases if the commission finds that the proposal will result in a net benefit to customers of the large combination utility and includes reasonable rate protections for low-income natural gas and electric customers. In approving a merger of a gas and electric rate base, the commission must avoid commercial and residential rate classes subsidizing industrial rate classes.

(3) For a large combination utility that has merged gas and electricity rate bases, the large combination utility must monetize benefits received from any applicable federal and state tax and other incentives for the benefit of customers. These benefits must be separately accounted for and amortized on a schedule designed to mitigate the rate impacts to customers after the rate bases are combined. These credits may not be used for any other purpose, unless directed by the commission.

(4) For the first multiyear rate plan proposed by a large combination utility following commission approval or approval with conditions of the initial integrated system plan identified in section 3 of this act, the commission may for good cause shown extend the deadline for a decision set forth under RCW 80.04.130 by up to 60 days.

NEW SECTION. **Sec. 8.** (1) Beginning January 1, 2025, no large combination utility may offer any form of rebate, incentive, or other inducement to residential gas customers to purchase any natural gas appliance or equipment. Until January 1, 2031, rebates and incentives for commercial and industrial gas customers are not included in this requirement. Rebates and incentives for electric heat pumps that include natural gas backups may be offered until January 1, 2031.

(2) By November 1, 2025, a large combination utility must initiate and maintain an effort to educate its ratepayers about the benefits of electrification and the availability of rebates, incentives, or other inducements to purchase energy efficient electric appliances and equipment including, but not limited to, the maintenance of an educational website and the inclusion of educational materials in monthly billing statements.

(3) Beginning January 1, 2031, a large combination utility may not include electric air source heat pumps with gas backups as part of its electrification programs.

Sec. 9. RCW 19.280.030 and 2023 c 229 s 2 are each amended to read as follows:

Each electric utility must develop a plan consistent with this section.

(1) Utilities with more than 25,000 customers that are not full requirements customers must develop or update an integrated resource plan by September 1, 2008. At a minimum, progress reports reflecting changing conditions and the progress of the integrated resource plan must be produced every two years thereafter. An updated integrated resource plan must be developed at least every four years subsequent to the 2008 integrated resource plan. The integrated resource plan, at a minimum, must include:

(a) A range of forecasts, for at least the next 10 years or longer, of projected customer demand which takes into account econometric data and customer usage;

(b) An assessment of commercially available conservation and efficiency resources, as informed, as applicable, by the assessment for conservation potential under RCW 19.285.040 for the planning horizon consistent with (a) of this subsection. Such assessment may include, as appropriate, opportunities for development of combined heat and power as an energy and capacity resource, demand response and load management programs, and currently employed and new policies and programs needed to obtain the conservation and efficiency resources;

(c) An assessment of commercially available, utility scale renewable and nonrenewable generating technologies including a comparison of the benefits and risks of purchasing power or building new resources;

(d) A comparative evaluation of renewable and nonrenewable generating resources, including transmission and distribution delivery costs, and conservation and efficiency resources using "lowest reasonable cost" as a criterion;

(e) An assessment of methods, commercially available technologies, or facilities for integrating renewable resources, including but not limited to battery storage and pumped storage, and addressing overgeneration events, if applicable to the utility's resource portfolio;

(f) An assessment and 20-year forecast of the availability of and requirements for regional generation and transmission capacity to provide and deliver electricity to the utility's customers and to meet the requirements of chapter 288, Laws of 2019 and the state's greenhouse gas emissions reduction limits in RCW 70A.45.020. The transmission assessment must identify the utility's expected needs to acquire new long-term firm rights, develop new, or expand or upgrade existing, bulk transmission facilities consistent with the requirements of this section and reliability standards;

(i) If an electric utility operates transmission assets rated at 115,000 volts or greater, the transmission assessment must take into account opportunities to make more effective use of existing transmission capacity through improved transmission system operating practices, energy efficiency, demand response, grid modernization, nonwires solutions, and other programs if applicable;

(ii) An electric utility that relies entirely or primarily on a contract for transmission service to provide necessary transmission services may comply with the transmission requirements of this subsection by requesting that the counterparty to the transmission service contract include the provisions of chapter 288, Laws of 2019 and chapter 70A.45 RCW as public policy mandates in the transmission service provider's process for assessing transmission need, and planning and acquiring necessary transmission capacity;

(iii) An electric utility may comply with the requirements of this subsection (1)(f) by relying on and incorporating the results of a separate transmission assessment process, conducted individually or jointly with other utilities and transmission system users, if that assessment process meets the requirements of this subsection;

(g) A determination of resource adequacy metrics for the resource plan consistent with the forecasts;

(h) A forecast of distributed energy resources that may be installed by the utility's customers and an assessment of their effect on the utility's load and operations;

(i) An identification of an appropriate resource adequacy requirement and measurement metric consistent with prudent utility practice in implementing RCW 19.405.030 through 19.405.050;

(j) The integration of the demand forecasts, resource evaluations, and resource adequacy requirement into a long-range assessment describing the mix of supply side generating resources and conservation and efficiency resources that will meet current and projected needs, including mitigating overgeneration events and implementing RCW 19.405.030 through 19.405.050, at the

lowest reasonable cost and risk to the utility and its customers, while maintaining and protecting the safety, reliable operation, and balancing of its electric system;

(k) An assessment, informed by the cumulative impact analysis conducted under RCW 19.405.140, of: Energy and nonenergy benefits and the avoidance and reductions of burdens to vulnerable populations and highly impacted communities; long-term and short-term public health and environmental benefits, costs, and risks; and energy security and risk;

(l) A 10-year clean energy action plan for implementing RCW 19.405.030 through 19.405.050 at the lowest reasonable cost, and at an acceptable resource adequacy standard, that identifies the specific actions to be taken by the utility consistent with the long-range integrated resource plan; and

(m) An analysis of how the plan accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520. This subsection (1)(m)(iii) applies only to plans due to be filed after September 1, 2023.

(2) The clean energy action plan must:

(a) Identify and be informed by the utility's 10-year cost-effective conservation potential assessment as determined under RCW 19.285.040, if applicable;

(b) Establish a resource adequacy requirement;

(c) Identify the potential cost-effective demand response and load management programs that may be acquired;

(d) Identify renewable resources, nonemitting electric generation, and distributed energy resources that may be acquired and evaluate how each identified resource may be expected to contribute to meeting the utility's resource adequacy requirement;

(e) Identify any need to develop new, or expand or upgrade existing, bulk transmission and distribution facilities and document existing and planned efforts by the utility to make more effective use of existing transmission capacity and secure additional transmission capacity consistent with the requirements of subsection (1)(f) of this section; and

(f) Identify the nature and possible extent to which the utility may need to rely on alternative compliance options under RCW 19.405.040(1)(b), if appropriate.

(3)(a) An electric <u>or large combination</u> utility shall consider the social cost of greenhouse gas emissions, as determined by the commission for investor-owned utilities pursuant to RCW 80.28.405 and the department for consumer-owned utilities, when developing integrated resource plans and clean energy action plans. An electric utility must incorporate the social cost of greenhouse gas emissions as a cost adder when:

(i) Evaluating and selecting conservation policies, programs, and targets;

(ii) Developing integrated resource plans and clean energy action plans; and

(iii) Evaluating and selecting intermediate term and long-term resource options.

(b) For the purposes of this subsection (3): (i) Gas consisting largely of methane and other hydrocarbons derived from the decomposition of organic material in landfills, wastewater treatment facilities, and anaerobic digesters must be considered a nonemitting resource; and (ii) qualified biomass energy must be considered a nonemitting resource.

(4) To facilitate broad, equitable, and efficient implementation of chapter 288, Laws of 2019, a consumer-owned energy utility may enter into an agreement with a joint operating agency organized under chapter 43.52 RCW or other nonprofit organization to develop and implement a joint clean energy action plan in collaboration with other utilities.

(5) All other utilities may elect to develop a full integrated resource plan as set forth in subsection (1) of this section or, at a minimum, shall develop a resource plan that:

(a) Estimates loads for the next five and 10 years;

(b) Enumerates the resources that will be maintained and/or acquired to serve those loads;

(c) Explains why the resources in (b) of this subsection were chosen and, if the resources chosen are not: (i) Renewable resources; (ii) methods, commercially available technologies, or facilities for integrating renewable resources, including addressing any overgeneration event; or (iii) conservation and efficiency resources, why such a decision was made;

(d) By December 31, 2020, and in every resource plan thereafter, identifies how the utility plans over a 10-year period to implement RCW 19.405.040 and 19.405.050; and

(e) Accounts for:

(i) Modeled load forecast scenarios that consider the anticipated levels of zero emissions vehicle use in a utility's service area, including anticipated levels of zero emissions vehicle use in the utility's service area provided in RCW 47.01.520, if feasible;

(ii) Analysis, research, findings, recommendations, actions, and any other relevant information found in the electrification of transportation plans submitted under RCW 35.92.450, 54.16.430, and 80.28.365; and

(iii) Assumed use case forecasts and the associated energy impacts. Electric utilities may, but are not required to, use the forecasts generated by the mapping and forecasting tool created in RCW 47.01.520. This subsection (5)(e)(iii) applies only to plans due to be filed after September 1, 2023.

(6) Assessments for demand-side resources included in an integrated resource plan may include combined heat and power systems as one of the measures in a conservation supply curve. The value of recoverable waste heat resulting from combined heat and power must be reflected in analyses of cost-effectiveness under this subsection.

(7) An electric utility that is required to develop a resource plan under this section must complete its initial plan by September 1, 2008.

(8) Plans developed under this section must be updated on a regular basis, on intervals approved by the commission or the department, or at a minimum on intervals of two years.

(9)<u>(a)</u> Plans shall not be a basis to bring legal action against electric utilities<u>. However, nothing in this subsection (9)(a) may be construed as limiting the commission or any party from bringing any action pursuant to Title 80 RCW, this chapter, or chapter 19.405 RCW against any large combination utility related to an integrated system plan submitted pursuant to section 3 of this act.</u>

<u>(b) The commission may approve, reject, or approve with conditions, any integrated system plans submitted by a large combination utility as defined in section 2 of this act</u>.

(10)(a) To maximize transparency, the commission, for investor-owned utilities, or the governing body, for consumer-owned utilities, may require an electric utility to make the utility's data input files available in a native format. Each electric utility

shall publish its final plan either as part of an annual report or as a separate document available to the public. The report may be in an electronic form.

(b) Nothing in this subsection limits the protection of records containing commercial information under RCW 80.04.095.

Sec. 10. RCW 80.28.110 and 2021 c 65 s 97 are each amended to read as follows:

Every gas company, electrical company, wastewater company, or water company, engaged in the sale and distribution of gas, electricity, or water or the provision of wastewater company services, shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto, suitable facilities for furnishing and furnish all available gas, electricity, wastewater company services, and water as demanded, except that a water company may not furnish water contrary to the provisions of water system plans approved under chapter 43.20 or 70A.100 RCW and wastewater companies may not provide services contrary to the approved general sewer plan. A large combination utility may provide a customer with any approved nonemitting energy including, but not limited to, renewable natural gas, green hydrogen, thermal energy networks, or other sources as described in an approved filing.

NEW SECTION. **Sec. 11.** (1) When an integrated system plan of a large combination utility proposes geographically targeted electrification of all or a portion of a service area in which the large combination utility provides gas service to such a service area and one or more consumer-owned utilities provide electric service to such a service area, the integrated system plan of the large combination utility must include a process for outreach by the large combination utility to all consumer-owned utilities providing electric service to such a service area. As part of that outreach, the large combination utility shall provide gas delivery data of sufficient granularity for the consumer-owned electric company to assess the sufficiency of the capacity of the electric distribution system to accommodate the additional load from electrification at the circuit level. This data must be provided at least one plan cycle prior to electrification actions by the large combination utility to allow affected consumer-owned electric companies sufficient time to upgrade electrical distribution equipment and materials as needed to preserve system reliability.

(2) Consumer-owned utilities are encouraged to:

(a) Work with large combination utilities providing gas service within their service areas to identify opportunities for electrification and mitigating grid impacts by the large combination utility;

(b) Account for the costs of greenhouse gas emissions, set total energy savings and greenhouse gas emissions reduction goals, and develop and implement electrification programs in collaboration with large combination utilities providing gas service in service areas of consumer-owned utilities; and

(c) Include an electrification plan or transportation electrification program as part of collaboration with large combination utilities.

(3) Nothing in this section may be construed as expanding or contracting the authority of any electric utility with regard to the designation of the boundaries of adjoining service areas that each electric utility must observe.

NEW SECTION. **Sec. 12.** (1) For any project in an integrated system plan of a large combination utility that is part of a competitive solicitation and with a cost of more than $10,000,000, the large combination utility must certify to the commission that any work associated with such a project will be constructed by a prime contractor and its subcontractors in a way that includes community workforce agreements or project labor agreements and the payment of area standard prevailing wages and apprenticeship utilization requirements, provided the following apply:

(a) The large combination utility and the prime contractor and all of its subcontractors, regardless of tier, have the absolute right to select any qualified and responsible bidder for the award of contracts on a specified project without reference to the existence or nonexistence of any agreements between such a bidder and any party to such a project labor agreement, and only when such a bidder is willing, ready, and able to become a party to, signs a letter of assent, and complies with such an agreement or agreements, should it be designated the successful bidder; and

(b) It is understood that this is a self-contained, stand-alone agreement, and that by virtue of having become bound to such an agreement or agreements, neither the prime contractor nor the subcontractors are obligated to sign any other local, area, or national agreement.

(2) Nothing in this section supersedes RCW 19.28.091 or 19.28.261 or chapter 49.17 RCW, without regard to project cost.

NEW SECTION. **Sec. 13.** The commission may adopt rules to ensure the proper implementation and enforcement of this act.

Sec. 14. RCW 80.24.010 and 2022 c 159 s 1 are each amended to read as follows:

Every public service company subject to regulation by the commission shall, on or before the date specified by the commission for filing annual reports under RCW 80.04.080, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year or portion thereof and pay to the commission a fee equal to one-tenth of one percent of the first ((~~fifty thousand dollars~~)) $50,000 of gross operating revenue, plus four-tenths of one percent of any gross operating revenue in excess of ((~~fifty thousand dollars~~)) $50,000, except that a large combination utility as defined in section 2 of this act shall pay a fee equal to 0.001 percent of the first $50,000 of gross operating revenue, plus 0.005 percent of any gross operating revenue in excess of $50,000: PROVIDED, That the commission may, by rule, set minimum fees that do not exceed the cost of collecting the fees. The commission may by rule waive any or all of the minimum fee established pursuant to this section.

The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows:

Electrical, gas, water, telecommunications, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

Any payment of the fee imposed by this section made after its due date shall include a late fee of two percent of the amount due. Delinquent fees shall accrue interest at the rate of one percent per month.

NEW SECTION. **Sec. 15.** This chapter may be known and cited as the Washington decarbonization act for large combination utilities.

NEW SECTION. **Sec. 16.** Sections 2 through 8, 11 through 13 and 15 of this act constitute a new chapter in Title 80 RCW.

NEW SECTION. **Sec. 17.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act is invalid.

NEW SECTION. **Sec. 18.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "future;" strike the remainder

of the title and insert "amending RCW 19.280.030, 80.28.110, and 80.24.010; adding a new chapter to Title 80 RCW; creating a new section; and declaring an emergency."

MOTION

Senator Short moved that the following floor amendment no. 818 by Senator Short be adopted:

On page 1, line 22, after "efficient" strike ", nonemitting"

On page 25, line 35, after "filing." insert "A large combination utility must pay for any costs a residential, commercial, or industrial gas customer incurs as a result of the large combination utility's transition from gas service to nonemitting energy, including transitions related to geographically targeted electrification."

Senators Short, Wilson, L., Fortunato and Dozier spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Short on page 1, line 22 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Randall, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Excused: Senator Saldaña.

MOTION

Senator MacEwen moved that the following floor amendment no. 842 by Senator MacEwen be adopted:

On page 1, line 30, after "incentives," strike "in the decarbonization of homes and buildings"

On page 25, line 35, after "filing." insert "If a large combination utility determines that it will not provide gas, the customer demanding gas service may seek another provider, which must be permitted to provide gas service using the large combination utility's facilities."

Senators MacEwen, Braun and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 842 by Senator MacEwen on page 1, line 30 to the committee striking amendment.

The motion by Senator MacEwen did not carry and floor amendment no. 842 was not adopted by voice vote.

MOTION

Senator MacEwen moved that the following floor amendment no. 843 by Senator MacEwen be adopted:

On page 2, line 4, after "loads" strike "that are served with fossil fuels"

On page 25, line 35, after "filing." insert "A large combination utility is prohibited from transitioning a customer to nonemitting energy if that customer currently receives gas service or has a local, state, or federal development permit to extend gas service pending on the effective date of this section."

Senators MacEwen and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

Senator MacEwen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator MacEwen on page 2, line 4 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator MacEwen and the amendment was not adopted by the following vote: Yeas, 20; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Excused: Senator Saldaña.

MOTION

Senator MacEwen moved that the following floor amendment no. 841 by Senator MacEwen be adopted:

On page 2, beginning on line 16, after "companies" strike all material through "reliability" on line 17

On page 25, line 35, after "filing." insert "A large combination utility shall provide at least eight years' notice prior to transitioning a customer currently receiving gas service to nonemitting energy."

Senator MacEwen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 841 by Senator MacEwen on page 2, line 16 to the committee striking amendment.

The motion by Senator MacEwen did not carry and floor

amendment no. 841 was not adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 831 by Senator Rivers be adopted:

On page 2, beginning on line 20, after "switching" strike all material through "appliances" on line 21

On page 25, line 35, after "filing." insert "A large combination utility shall not discontinue gas service at any facility classified as emissions-intensive and trade-exposed under state law."

Senators Rivers and Short spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 831 by Senator Rivers on page 2, line 20 to Engrossed Substitute House Bill No. 1589.

The motion by Senator Rivers did not carry and floor amendment no. 831 was not adopted by voice vote.

MOTION

Senator MacEwen moved that the following floor amendment no. 840 by Senator MacEwen be adopted:

On page 2, line 30, after "customers" strike all material through "tools"

On page 25, line 35, after "filing." insert "A large combination utility shall not discontinue gas service for any low-income customer."

Senators MacEwen and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

Senator MacEwen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator MacEwen on page 2, line 30 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator MacEwen and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Conway, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Excused: Senator Saldaña.

MOTION

Senator MacEwen moved that the following floor amendment no. 839 by Senator MacEwen be adopted:

On page 2, line 32, after "decarbonize" strike "their systems"

On page 25, line 35, after "filing." insert "A large combination utility shall not discontinue gas service for any restaurant."

Senators MacEwen, Fortunato and Boehnke spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

Senator MacEwen demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator MacEwen on page 2, line 32 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator MacEwen and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Excused: Senator Saldaña.

MOTION

Senator Torres moved that the following floor amendment no. 816 by Senator Torres be adopted:

On page 2, at the beginning of line 39, strike "transformational"

On page 25, line 35, after "filing." insert "Before a large combination utility may discontinue gas service for a current customer, the commission shall ensure that the large combination utility provides adequate notice of the discontinuance of service to any customer who is part of a vulnerable population or for whom English is not their primary language."

Senators Torres, MacEwen and Rivers spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 816 by Senator Torres on page 2, line 39 to the committee striking amendment.

The motion by Senator Torres did not carry and floor amendment no. 816 was not adopted by rising vote.

MOTION

Senator Short moved that the following floor amendment no. 819 by Senator Short be adopted:

On page 13, line 40, after "rule." insert "The commission shall not approve any decarbonization activity that does not satisfy the commission's cost test and represent the lowest reasonable cost option."

Senators Short, Gildon, Boehnke and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 819 by Senator Short on page 13, line 40 to the committee striking amendment.

The motion by Senator Short did not carry and floor amendment no. 819 was not adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the students from Sunshine Christian School who were seated in the gallery. They were guests of Senator Cleveland.

MOTION

Senator Boehnke moved that the following floor amendment no. 825 by Senator Boehnke be adopted:

On page 14, after line 39, insert the following:

"(13) Notwithstanding the other criteria provided in this section, the commission shall not approve an integrated system plan if the commission determines that any rate charged to customers must increase in order to cover the costs of a large combination utility's decarbonization activities."

Senators Boehnke and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Boehnke on page 14, after line 39 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Boehnke and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Conway, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Excused: Senator Saldaña.

MOTION

Senator MacEwen moved that the following floor amendment no. 837 by Senator MacEwen be adopted:

On page 14, after line 39, insert the following:

"(13) Notwithstanding any other provision in this section, natural gas customers using more than 12,000 thermal units shall not be required to pay more than two percent of their billed margin revenues in rates per year for gas decarbonization costs incurred pursuant to decarbonization and electrification measures included in an approved integrated system plan, and electric customers with a load greater than one average megawatt shall not be required to pay more than two percent of their billed revenues in rates per year for electrification costs incurred pursuant to decarbonization and electrification measures included in an approved integrated system plan. Gas decarbonization costs shall not be recovered from transportation only customers. Electrification costs shall be recovered only from bundled electric customers."

Senators MacEwen, Wilson, L., Wagoner and Dozier spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 837 by Senator MacEwen on page 14, after line 39 to the committee striking amendment.

The motion by Senator MacEwen did not carry and floor amendment no. 837 was not adopted by voice vote.

MOTION

Senator MacEwen moved that the following floor amendment no. 838 by Senator MacEwen be adopted:

On page 14, after line 39, insert the following:

"(13) Notwithstanding any other provision in this section, for each integrated system plan approved:

(a) No customer taking only bundled electric service shall be required to pay in rates more than two percent of their billed revenues per year for costs incurred pursuant to decarbonization and electrification measures included in an approved integrated system plan. Costs shall not be allocated to unbundled electric customers.

(b) No customer taking only natural gas service shall be required to pay in rates more than two percent of their billed margin revenues in rates per year for costs incurred pursuant to decarbonization and electrification measures included in an approved integrated system plan. Costs shall not be allocated to transportation only customers.

(c) No customer taking both bundled electric service and full requirements natural gas service shall be required to pay more than four percent of their billed revenues per year for costs incurred pursuant to an approved integrated system plan. If the natural gas service taken by a combined customer is transportation only service, no customer shall be required to pay more than two percent of their billed margin revenues per year for costs incurred pursuant to decarbonization and electrification measures included in an approved integrated system plan."

Senator MacEwen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 838 by Senator MacEwen on page 14, after line 39 to the committee striking amendment.

The motion by Senator MacEwen did not carry and floor amendment no. 838 was not adopted by voice vote.

MOTION

Senator Nguyen moved that the following floor amendment no. 756 by Senator Nguyen be adopted:

On page 16, line 20, after "interest" insert ", and the construction, investment, or purchase, including entering into a power purchase agreement, complies with the commission's administrative rules governing electric resource procurement"

On page 27, line 3, after "The" strike "large combination utility" and insert "project owner"

Senator Nguyen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator MacEwen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 756 by Senator Nguyen on page 16, line 20 to the committee striking amendment.

The motion by Senator Nguyen carried and floor amendment no. 756 was adopted by rising vote.

MOTION

Senator Short moved that the following floor amendment no. 817 by Senator Short be adopted:

On page 18, after line 2, insert the following:

"(9) The commission may not approve a certificate of necessity under this section until it has considered whether approval would violate Article I, section 12 of the state Constitution, which prohibits granting special privileges to corporations."

Senator Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 817 by Senator Short on page 18, after line 2 to the committee striking amendment.

The motion by Senator Short did not carry and floor amendment no. 817 was not adopted by voice vote.

MOTION

Senator Braun moved that the following floor amendment no. 846 by Senator Braun be adopted:

Beginning on page 18, line 28, strike all of section 7.

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

Senators Braun and Boehnke spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 846 by Senator Braun on page 18, line 28 to the committee striking amendment.

The motion by Senator Braun did not carry and floor amendment no. 846 was not adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 821 by Senator Wilson, J. be adopted:

On page 19, line 9, after "for" strike "low-income" and insert "all"

Senator Wilson, J. spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 821 by Senator Wilson, J. on page 19, line 9 to the committee striking amendment.

The motion by Senator Wilson, J. did not carry and floor amendment no. 821 was not adopted by voice vote.

MOTION

Senator Nguyen moved that the following floor amendment no. 797 by Senators Mullet and Nguyen be adopted:

On page 19, beginning on line 9, after "customers." strike all material through "classes." on line 12

On page 25, beginning on line 19, strike all of section 10

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

On page 28, beginning on line 28, after "19.280.030" strike ", 80.28.110,"

Senator Nguyen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator MacEwen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 797 by Senators Mullet and Nguyen on page 19, line 9 to the committee striking amendment.

The motion by Senator Nguyen carried and floor amendment no. 797 was adopted by rising vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 832 by Senator Wilson, L. be adopted:

Beginning on page 19, line 27, strike all of section 8

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

Senators Wilson, L. and Short spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wilson, L. on page 19, line 27 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wilson, L. and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall,

Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Excused: Senator Saldaña.

MOTION

Senator Braun moved that the following floor amendment no. 828 by Senator Braun be adopted:

On page 26, line 15, after "reliability." insert "A large combination utility may not proceed with geographically targeted electrification in an area served by a consumer-owned utility if the consumer-owned utility determines that its electrical distribution equipment cannot be upgraded to adequately preserve system reliability."

Senators Braun, Wagoner, Padden, Gildon, Short, Boehnke and Fortunato spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 26, line 15, to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Braun and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Excused: Senator Saldaña.

MOTION

Senator King moved that the following floor amendment no. 826 by Senator King be adopted:

Beginning on page 26, line 33, strike all of section 12

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

Senator King spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 826 by Senator King on page 26, line 33 to the committee striking amendment.

The motion by Senator King did not carry and floor amendment no. 826 was not adopted by voice vote.

MOTION

Senator Boehnke moved that the following floor amendment no. 823 by Senator Boehnke be adopted:

Beginning on page 27, line 21, strike all of section 14

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

On page 28, beginning on line 28, after "19.280.030" strike all material through "80.24.010" on line 29 and insert "and 80.28.110"

Senator Boehnke spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 823 by Senator Boehnke on page 27, line 21 to the committee striking amendment.

The motion by Senator Boehnke did not carry and floor amendment no. 823 was not adopted by voice vote.

MOTION

Senator Boehnke moved that the following floor amendment no. 820 by Senator Boehnke be adopted:

On page 27, line 38, after "section." insert "A large combination utility may not increase rates or other charges to utility customers in order to cover the increased regulatory fees authorized under this act."

Senator Boehnke spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

Senator Boehnke demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Boehnke on page 27, line 38 to Engrossed Substitute House Bill No. 1589.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Boehnke and the amendment was not adopted by the following vote: Yeas, 21; Nays, 27; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Excused: Senator Saldaña.

MOTION

Senator MacEwen moved that the following floor amendment no. 836 by Senator MacEwen be adopted:

On page 28, after line 15, insert the following:

"**Sec. 15.** RCW 82.16.020 and 2017 3rd sp.s. c 10 s 14 are each amended to read as follows:

(1) There is levied and collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax is equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Express, sewerage collection, and telegraph businesses: Three and six-tenths percent;

(b) Light and power business: Three and sixty-two one-hundredths percent;

(c) Gas distribution business: Three and six-tenths percent;

(d) Urban transportation business: Six-tenths of one percent;

(e) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(f) Motor transportation, railroad, railroad car, and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(g) Water distribution business: Four and seven-tenths percent;

(h) Log transportation business: One and twenty-eight one-hundredths percent. The reduced rate established in this subsection (1)(h) is not subject to the ten-year expiration provision in RCW 82.32.805(1)(a).

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses must be deposited in the education legacy trust account created in RCW 83.100.230 from July 1, 2013, through June 30, 2023, and thereafter in the public works assistance account created in RCW 43.155.050.

(4) Beginning July 1, 2025, an additional tax is imposed on any business that is a foreign-owned large combination utility, as the term "large combination utility" is defined in section 2 of this act, equal to the gross income of the business, multiplied by 1.75 percent. Moneys collected under this subsection must be deposited in the general fund and must be expended for a utility rebate program."

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

On page 28, line 29, after "80.28.110," strike "and 80.24.010" and insert "80.24.010, and 82.16.020"

Senator MacEwen spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Nguyen spoke against adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 836 by Senator MacEwen on page 28, after line 15 to the committee striking amendment.

The motion by Senator MacEwen did not carry and floor amendment no. 836 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 833 by Senator Wilson, L. be adopted:

On page 28, beginning on line 23, strike all of section 18 and insert the following:

"NEW SECTION. **Sec. 18.** This act shall not take effect until the attorney general publishes a formal memorandum analyzing the application of the United States Court of Appeals for the Ninth Circuit's opinion in *California Restaurant Association v. City of Berkeley*, which held that state and local governments may not limit the availability of natural gas in a manner that is preempted by the federal energy policy and conservation act. The attorney general shall provide the memorandum to the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and post it to the attorney general's public website."

On page 28, line 30, after "and" strike "declaring an emergency" and insert "providing a contingent effective date"

Senators Wilson, L., Short, MacEwen and Braun spoke in favor of adoption of the amendment to the committee striking amendment.

Senator Lovelett spoke against adoption of the amendment to the committee striking amendment.

Senator Short demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Wilson, L. on page 28, line 23 to the committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Wilson, L. and the amendment was not adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Randall, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

Voting nay: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Robinson, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Excused: Senator Saldaña.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Environment, Energy & Technology to Engrossed Substitute House Bill No. 1589.

The motion by Senator Nguyen carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Nguyen, the rules were suspended, Engrossed Substitute House Bill No. 1589 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

POINT OF ORDER

Senator Short: “Mr. President, Engrossed Substitute House Bill No. 1589 as amended violates Senate Rule No. 26 because the bill amends existing law by reference without setting them forth in full. I can offer you Mr. President, if I might, a brief argument to that point.

President Heck: “Please proceed.”

Senator Short: “Thank you Mr. President. Senate Rule No. 26 forbids us from amending laws by reference and requires us to

make sure amended laws are set forth in full length. This bill violates that rule. And I want to direct your attention, Mr. President, to section 3 of the bill, which empowers the UTC to consolidate for a large combination utility several different statutory planning and regulatory processes that are laid out in chapters, and I will outline those chapters: 19.280, 19.285, 19.405, 70A.65, 80.28 RCW.

Now the bill does not make the necessary amendments to those or other chapters. Thus, showing the effect of consolidation on preexisting statutes, Mr. President, that a utility must meet. This means that they impermissibly add or amend several statutes by mere reference without fully showing the effective changes of those laws.

It is important because neither the Legislature nor the public will be able to discern which provisions of current law will apply to large combination utilities unless those laws are shown as amended. But it also state, our Supreme Court has recently held that the prohibition against amending by reference helps make sure that the effect of new legislation, and this is new legislation Mr. President, is clear. And to avoid confusion, ambiguity, and uncertainty in the statutory law through the existing of separate and disconnected legislative provisions scattered throughout our law.

Mr. President, I respectfully request a ruling that Engrossed Substitute House Bill No. 1589 as amended violates Senate Rule No. 26 because it amends several statutes by reference without setting them forth at full length, thus concealing the full effect of the bill. Thank you Mr. President."

President Heck: "Senator Pedersen."

Senator Pedersen: "Thank you very much Mr. President. I think we are also full supportive of Article II, Section 37 of the Constitution and Rule No. 26. However, Mr. President, I believe strongly that the bill does not actually amend and of those chapters to which the gentlelady from the 7th District referred. Mr. President, I would direct you attention to Section 3, Sub. 2A, at the last sentence. And my I read from the striking amendment Mr. President?"

President Heck: "Please."

Senator Pedersen: "The last sentence says, 'the statutorily required contents of any plan consolidated into an integrated system plan must be met by the integrated system plan.' In other words, the consolidation is going to leave the plan subject to all of the existing requirements stacked on top of each other. And of course, it will be up to the commission to work through how to, how they interact with each other. But that is exactly the case under existing law. So, Mr. President, there is no amendment, let alone an amendment by reference and I think the point of order, encourage you to find that the point of order is not well taken."

MOTION

At 1:21 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President for the purpose of a meeting of the Committee on Rules, lunch and caucuses.

The Senate was called to order at 3:46 p.m. by President Heck.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1589, by House Committee on Environment & Energy (originally sponsored by Doglio, Fitzgibbon, Berry, Alvarado, Bateman, Ramel, Peterson, Lekanoff, Hackney, Macri, and Kloba)

Supporting Washington's clean energy economy and transitioning to a clean, affordable, and reliable energy future.

RULING BY THE PRESIDENT

President Heck: "In ruling on the point of order by Senator Short that House Bill No. 1589 is improperly before the Senate, as it violates Senate Rule 26, the President finds and rules as follows:

Senate Rule 26 is identical to Article II, Section 37 of our Washington State Constitution, and provides that, 'No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.'

Please bear with the President, as it appears that this is a matter of first impression, and this will be a lengthy explanation.

First, and most importantly, the President believes that everyone on this floor can agree that our Legislature has some of the finest professional drafters anywhere. The following remarks have nothing to do with Legislative staff or their work.

There is no other way of saying this clearly. The President is troubled as he observes that the drafting and construction of this bill is very simply a hot mess.

Courts looking at potential violations of the prohibition on amending by reference have used the following test:

1. Is the <u>new</u> bill such a complete act that the scope of the rights or duties created or affected by the bill can be determined without referring to any other statute?

And

2. Would a straightforward determination of the scope of rights or duties under the <u>existing</u> statutes be rendered erroneous by the new enactment?

So now turning to House Bill 1589:

There are multiple planning requirements for utilities located in various statutes spread across the RCW's. Section 3 of House Bill 1589 authorizes the utilities and transportation commission (UTC) to allow the consolidation of these multiple planning requirements into a single plan approved by the UTC, but only for 'large combination utilities'.

Critically, these large combination utilities are no longer required to file the individual plans that become part of this consolidation. The various other planning statutes continue to provide that the individual plans are required for all utilities – with no exemption for large combination utilities. Their very specific requirements and timelines remain in statute without amendment in this bill.

While Section 3, Subsection 2(a) provides that, "The statutorily required contents of any plan consolidated into an integrated system plan must be met by the integrated system plan," the President is troubled that the existing planning requirements still remain unamended in the various RCW's.

Turning to the first question for whether a bill is attempting to amend without setting forth provisions in full – Is House Bill 1589 so complete that one can determine the rights and duties without referring to other statutes? The answer is no. Section 3 calls out a number of statutory chapters that 'may' be affected and says that the statutes affected are not limited to that very list. The President simply cannot look at House Bill 1589 and know which plans the UTC is being given the authority to consolidate, and which statutory requirements will be waived based on this new

rulemaking.

On question two – would any of the rights or duties under existing statutes be rendered erroneous by House Bill 1589? The answer is yes. There are plans in various statutes. These statutes provide requirements for filing and there is nothing in the bill that amends those statutes to allow the UTC to consolidate the plans and remove the requirement for a large combination utility to file the plan.

Again, the purpose of the rule is not to restrict the Senate as to content. The goals of this bill can certainly be achieved by the Senate, by this Senate, but it must be drafted correctly.

The President would like to emphasize that there is a way to repair this bill. It merely needs to be drafted to include those sections of law that House Bill 1589 proposes to amend, and clearly amend them to allow the UTC to do rule making to consolidate the plans for large combination utilities.

The President also cautions that this opinion is not an opening to object to every bill on this basis. Many bills affect the reading of other statutes in some way, but do not rise to the level of a violation of Rule 26. This bill is unique. It is simply outside the boundaries of normal drafting standards. The President encourages those who endeavor to draft legislation to listen to the advice of our legislative staff.

For these reasons the President finds that Senator Short's point is well taken, and that House Bill 1589 in its current form is in violation of Senate Rule 26 and is not properly before the Senate."

MOTIONS

On motion of Senator Pedersen, the rules were suspended and Engrossed Substitute House Bill No. 1589 was returned to second reading for the purpose of amendment.

On motion of Senator Pedersen, further consideration of Engrossed Substitute House Bill No. 1589 was deferred and the bill held its place on the second reading calendar.

On motion of Senator Pedersen, the Senate reverted to the fourth order of business.

MESSAGES FROM THE HOUSE

February 29, 2024

MR. PRESIDENT:
The Speaker has signed:

HOUSE BILL NO. 1153,
HOUSE BILL NO. 1726,
HOUSE BILL NO. 1876,
SUBSTITUTE HOUSE BILL NO. 1880,
SUBSTITUTE HOUSE BILL NO. 1889,
HOUSE BILL NO. 1955,
HOUSE BILL NO. 1962,
SUBSTITUTE HOUSE BILL NO. 1974,
HOUSE BILL NO. 2034,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2041,
SUBSTITUTE HOUSE BILL NO. 2075,
SECOND SUBSTITUTE HOUSE BILL NO. 2151,
SUBSTITUTE HOUSE BILL NO. 2216,
SUBSTITUTE HOUSE BILL NO. 2329,
SUBSTITUTE HOUSE BILL NO. 2355,
SUBSTITUTE HOUSE BILL NO. 2368,
HOUSE BILL NO. 2433,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 29, 2024

MR. PRESIDENT:
The Speaker has signed:

SENATE BILL NO. 5508,
SENATE BILL NO. 5885,
SENATE BILL NO. 5886,
SUBSTITUTE SENATE BILL NO. 5935,
SENATE BILL NO. 5970,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5974,
SENATE BILL NO. 5982,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6007,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 28, 2024

MR. PRESIDENT:
The House has passed:

SUBSTITUTE SENATE BILL NO. 5427,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5589,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5801,
SUBSTITUTE SENATE BILL NO. 5803,
SUBSTITUTE SENATE BILL NO. 5806,
SENATE BILL NO. 5821,
SUBSTITUTE SENATE BILL NO. 5829,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5853,
SENATE BILL NO. 6079,
SENATE BILL NO. 6229,
SENATE BILL NO. 6283,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8009,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

February 28, 2024

MR. PRESIDENT:
The House has passed:

SUBSTITUTE SENATE BILL NO. 5306,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5937,
SUBSTITUTE SENATE BILL NO. 6192,

and the same are herewith transmitted.

MELISSA PALMER, Deputy Chief Clerk

MOTION

On motion of Senator Pedersen, the Senate advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1992, by Representatives Timmons, Lekanoff, Ramel, Fosse, and Reeves

Adding an additional superior court judge in Whatcom county.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, House Bill No. 1992 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Shewmake spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1992.

MOTION

On motion of Senator Wagoner, Senator Warnick was excused.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1992 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1992, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2004, by Representatives McEntire, Leavitt, Couture, Slatter, Ryu, Senn, Graham, Callan, Sandlin, and Shavers

Providing early registration at institutions of higher education for military students.

The measure was read the second time.

MOTION

On motion of Senator Holy, the rules were suspended, House Bill No. 2004 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Holy and Hansen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2004.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2004 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 2004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2320, by House Committee on Appropriations (originally sponsored by Representatives Davis, Eslick, Bergquist, Callan, Dent, Dye, Senn, Leavitt, Harris, Ryu, Walen, Peterson, Pollet, and Ramel)

Concerning high THC cannabis products.

The measure was read the second time.

MOTION

Senator Salomon moved that the following committee striking amendment by the Committee on Labor & Commerce be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that there is a growing body of research evidencing that consuming cannabis with high concentrations of THC may be harmful to some people, including younger persons and persons who have or are at risk for developing certain mental health conditions or psychotic disorders. Products like THC-infused vape oils, shatter, and dabs can contain close to 100 percent THC, and may carry risks not commonly associated with consumption of useable cannabis flower or other cannabis products with relatively lower THC concentrations. In the interest of public health, the legislature intends to review studies and consider increasing the minimum legal age of sale of high THC cannabis products to age 25, and the legislature intends to require caution notices, developed by the department of health, to be posted at the point of sale in cannabis retail outlets to raise awareness about possible health impacts and risks associated with high THC cannabis. The legislature further intends to implement and study health interventions, gather data, and ensure that new research, data, and information concerning the impacts of high THC cannabis continues to be incorporated into state policy.

NEW SECTION. **Sec. 2.** The legislature intends to provide the department of health with recurring funding available each fiscal year, beginning in fiscal year 2025, to allow the department of health to issue requests for proposals and contract for targeted public health messages and social marketing campaigns directed toward individuals most likely to suffer negative impacts of high THC products including persons under 25 years of age and persons living with mental health challenges. Messages and media campaigns funded must include information about risks, comparative dosing of cannabis products, and resources for persons seeking support for quitting or decreasing their intake of tetrahydrocannabinol. The content of public health messages and social marketing campaigns must be developed in partnership with persons targeted by the messages and campaigns and in consultation with professionals proficient in public health communication and in cannabis research.

NEW SECTION. **Sec. 3.** By July 1, 2025, the department of health must develop an optional training that cannabis retail staff may complete to better understand the health and safety impacts of high THC cannabis products. In developing the optional training, the department of health must consult with cannabis retail staff, cannabis consumers, persons who have been harmed by high THC products, health care providers, prevention professionals, researchers with relevant expertise, behavioral health providers, and representatives of licensed cannabis businesses.

Sec. 4. RCW 69.50.357 and 2022 c 16 s 71 are each amended to read as follows:

(1)(a) Retail outlets may not sell products or services other than cannabis concentrates, useable cannabis, cannabis-infused products, or paraphernalia intended for the storage or use of cannabis concentrates, useable cannabis, or cannabis-infused products.

(b)(i) Retail outlets may receive lockable boxes, intended for the secure storage of cannabis products and paraphernalia, and related literature as a donation from another person or entity, that is not a cannabis producer, processor, or retailer, for donation to their customers.

(ii) Retail outlets may donate the lockable boxes and provide the related literature to any person eligible to purchase cannabis products under subsection (2) of this section. Retail outlets may not use the donation of lockable boxes or literature as an incentive or as a condition of a recipient's purchase of a cannabis product or paraphernalia.

(iii) Retail outlets may also purchase and sell lockable boxes, provided that the sales price is not less than the cost of acquisition.

(2) Licensed cannabis retailers may not employ persons under twenty-one years of age or allow persons under twenty-one years of age to enter or remain on the premises of a retail outlet. However, qualifying patients between eighteen and twenty-one years of age with a recognition card may enter and remain on the premises of a retail outlet holding a medical cannabis endorsement and may purchase products for their personal medical use. Qualifying patients who are under the age of eighteen with a recognition card and who accompany their designated providers may enter and remain on the premises of a retail outlet holding a medical cannabis endorsement, but may not purchase products for their personal medical use.

(3)(a) Licensed cannabis retailers must ensure that all employees are trained on the rules adopted to implement this chapter, identification of persons under the age of twenty-one, and other requirements adopted by the board to ensure that persons under the age of twenty-one are not permitted to enter or remain on the premises of a retail outlet.

(b) Licensed cannabis retailers with a medical cannabis endorsement must ensure that all employees are trained on the subjects required by (a) of this subsection as well as identification of authorizations and recognition cards. Employees must also be trained to permit qualifying patients who hold recognition cards and are between the ages of eighteen and twenty-one to enter the premises and purchase cannabis for their personal medical use and to permit qualifying patients who are under the age of eighteen with a recognition card to enter the premises if accompanied by their designated providers.

(4) Except for the purposes of disposal as authorized by the board, no licensed cannabis retailer or employee of a retail outlet may open or consume, or allow to be opened or consumed, any cannabis concentrates, useable cannabis, or cannabis-infused product on the outlet premises.

(5)(a) By December 31, 2024, licensed cannabis retailers shall post a conspicuous notice at the point of sale in retail outlets with information about: (i) The potential health risks and adverse health impacts that may be associated with the consumption of high THC cannabis; (ii) the potentially much higher risks that may be present for younger persons under age 25 as well as for persons who have or are at risk for developing certain mental health conditions or psychotic disorders; and (iii) where to find help in case of negative effects and resources for quitting or reducing cannabis consumption. The notice must be the same or substantially the same as the notice developed by the department of health under this subsection (5).

(b) The department of health shall develop the notice required under this section and make it available to licensed cannabis retailers. The notice must, at a minimum, identify the information specified in (a)(i) through (iii) of this subsection, and may include additional information.

(6) The board must fine a licensee one thousand dollars for each violation of any subsection of this section. Fines collected under this section must be deposited into the dedicated cannabis account created under RCW 69.50.530.

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.20 RCW to read as follows:

(1) Subject to amounts appropriated for this specific purpose, the University of Washington addictions, drug, and alcohol institute must develop, implement, test, and evaluate guidance and health interventions for health care providers and patients at risk for developing serious complications due to cannabis consumption who are seeking care in emergency departments, primary care settings, behavioral health settings, other health care facilities, and for use by state poison control and recovery hotlines to promote cannabis use reduction and cessation for the following populations:

(a) Youth and adults at high risk of adverse mental health impacts from use of high THC cannabis;

(b) Youth and adults who have experienced a cannabis-induced first episode psychosis but do not have a diagnosis of a psychotic disorder; and

(c) Youth and adults who have a diagnosed psychotic disorder and use cannabis.

(2) The University of Washington addictions, drug, and alcohol institute must submit a preliminary report to the appropriate committees of the legislature summarizing the progress toward developing and testing health interventions and recruiting patients and health care facilities to participate by December 1, 2025. The institute must provide a progress report on initial outcomes of the health interventions for participating patients and health care facilities by July 1, 2027. The institute must submit a final report to the appropriate committees of the legislature summarizing the results of the interventions and any recommendations for implementation of health interventions by December 1, 2028.

(3) A contract entered under the authorization in this section must include, in the scope of work, data gathering on adverse health impacts occurring in Washington associated with consumption of high THC cannabis, and data gathered must be included in the reports submitted to the legislature under this section.

(4) This section expires December 31, 2028.

NEW SECTION. **Sec. 6.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void."

On page 1, line 4 of the title, after "psychosis;" strike the remainder of the title and insert "amending RCW 69.50.357; adding a new section to chapter 28B.20 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Keiser moved that the following floor amendment no. 845 by Senators Keiser and Salomon be adopted:

On page 5, line 3, after "(3)" strike all material through "section" and insert "The work by the University of Washington addictions, drug, and alcohol institute"

Senator Salomon spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 845 by Senators Keiser and Salomon on page 5, line 3 to the committee striking amendment.

The motion by Senator Keiser carried and floor amendment no. 845 was adopted by voice vote.

MOTIONS

On motion of Senator Nobles, Senator Lovelett was excused.

Senator Keiser moved that the following floor amendment no. 804 by Senator Keiser be adopted:

On page 5, after line 8, insert the following:

"NEW SECTION. **Sec. 6.** (1) Beginning December 1, 2024, the liquor and cannabis board must collect data on the following information on cannabis products sold within Washington state:

(a) The amount of products being sold in the following categories: Usable cannabis, cannabis concentrates, and cannabis-infused products;

(b) The average THC concentration in usable cannabis and cannabis concentrates, and the average milligrams of THC per unit in cannabis-infused products; and

(c) The range of THC concentration in usable cannabis and cannabis concentrates.

(2) By November 14, 2025, the liquor and cannabis board must submit a report to the relevant committees of the legislature on the information collected under subsection (1) of this section.

(3) For the purposes of this section, "product" has the meaning provided in RCW 69.50.535.

(4) This section expires December 31, 2026."

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

On page 5, line 16, after "providing" strike "an expiration date" and insert "expiration dates"

Senators Keiser and King spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 804 by Senator Keiser on page 5, after line 8 to the committee striking amendment.

The motion by Senator Keiser carried and floor amendment no. 804 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 851 by Senators King and Keiser on page 5, line 12 to the committee striking amendment was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Labor & Commerce to Second Substitute House Bill No. 2320.

The motion by Senator Salomon carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Second Substitute House Bill No. 2320 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2320 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2320 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Schoesler

Excused: Senator Lovelett

SECOND SUBSTITUTE HOUSE BILL NO. 2320 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2032, by Representatives Cheney, Low, Ramos, and Graham

Reducing the size of yard signs that are exempt from certain political advertising disclosure requirements.

The measure was read the second time.

MOTION

Senator Hunt moved that the following floor amendment no. 712 by Senator Hunt be adopted:

On page 3, line 38, after "that" strike "the sponsor's name and address, and" and insert "((~~the sponsor's name and address, and~~))"

On page 3, line 40, after "42.17A.350" strike "," and insert "((~~,~~))"

On page 4, beginning on line 6, after "than" strike all material through "18 inches" on line 7 and insert "eight feet by four feet"

Senators Hunt and Wilson, J. spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 712 by Senator Hunt on page 3, line 38 to House Bill No. 2032.

The motion by Senator Hunt carried and floor amendment no. 712 was adopted by voice vote.

MOTION

On motion of Senator Wilson, J., the rules were suspended, House Bill No. 2032 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2032 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2032 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen,

Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 2032 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277, by House Committee on Education (originally sponsored by Representatives Donaghy, Harris, Slatter, Kloba, Reeves, Reed, Ormsby, and Pollet)

Establishing rules to improve the consistency and quality of the implementation of the fundamental courses of study for paraeducators. Revised for 1st Substitute: Improving the consistency and quality of the implementation of the fundamental course of study for paraeducators.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that it created the paraeducator board to adopt standards of practice and required school districts to provide to paraeducators a four-day fundamental course of study on the standards to paraeducators. The legislature finds that it required that at least one day of the fundamental course of study be provided in person due to the benefits of in-person instruction, including that instructors can confirm the participant's application of learning objectives.

(2) The legislature recognizes that paraeducators benefit from in-person training that is part of the hiring and onboarding process. The legislature intends to expand this benefit by generally requiring two days of the fundamental course of study be provided to paraeducators in person. The legislature recognizes that an exemption from this in-person requirement is necessary for some small school districts that experience barriers to providing the fundamental course of study in person due to long commute times for paraeducators, irregular hiring dates in small school districts, and other extenuating circumstances.

(3) However, it is the intent of the legislature to ensure that all paraeducators in Washington receive high quality and consistent professional development through the fundamental course of study, with a significant majority of paraeducators being trained in person.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.413 RCW to read as follows:

(1) By July 1, 2025, the board must update rules on the implementation of the fundamental course of study under RCW 28A.413.060 to require that a significant majority of paraeducators are provided with the course in person. Under the rules, the board may grant an exemption from the in-person requirement of RCW 28A.413.060 for second-class school districts hiring paraeducators after the beginning of the school year.

(2) By July 1, 2025, the board must publish guidance for school districts on how to provide the fundamental course of study under RCW 28A.413.060 to improve the consistency and quality of staff development.

Sec. 3. RCW 28A.413.060 and 2019 c 268 s 3 are each amended to read as follows:

(1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2)(a) School districts must provide a four-day fundamental course of study on the state standards of practice, as defined by the board, to paraeducators who have not completed the course, either in the district or in another district within the state. ((~~At least one day of the fundamental course of study must be provided in person.~~))

(b) School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the following deadlines ((~~provided in subsection (3) of this section.~~

~~(3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection~~)):

(((~~(a)~~)))(i) For paraeducators hired ((~~on or~~)) before ((~~September 1st~~)) the beginning of the school year, the first two days of the fundamental course of study must be provided ((~~by September 30th of that year~~)) in person before the beginning of the school year and the second two days of the fundamental course of study must be provided within six months of the date of hire((~~, regardless of the size of the district~~)); and

(ii) For paraeducators hired after ((~~September 1st~~)) the beginning of the school year:

(A) For paraeducators hired by first-class districts ((~~with ten thousand or more students~~)), the first two days of the fundamental course of study must be provided in person within four months of the date of hire and the second two days of the fundamental course of study must be provided within six months of the date of hire or by September 1st of the following year, whichever is sooner; and

(B) For paraeducators hired by second-class districts ((~~with fewer than ten thousand students~~)), the four-day fundamental course of study must be provided no later than September 1st of the following year, with two of the days provided in person unless the district has applied for and received an exemption under section 2 of this act.

(((~~(b)(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and~~

~~(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.~~

~~(4)~~)) (3) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section."

On page 1, line 2 of the title, after "paraeducators;" strike the remainder of the title and insert "amending RCW 28A.413.060; adding a new section to chapter 28A.413 RCW; and creating a new section."

Senators Wellman and Hawkins spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1277.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 1277 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1277 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1277 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1277 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1911, by House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Taylor, Cheney, Ortiz-Self, Reed, Simmons, Ormsby, Reeves, Fosse, and Davis)

Concerning activities in which the office of public defense may engage without violating the prohibition on providing direct representation of clients.

The measure was read the second time.

MOTION

On motion of Senator Torres, the rules were suspended, Substitute House Bill No. 1911 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Torres, Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1911.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1911 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1911, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, by House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Senn, Walen, Berry, Fitzgibbon, Ryu, Duerr, Ramel, Reed, Ormsby, Peterson, Callan, Macri, Gregerson, Farivar, Alvarado, Lekanoff, Doglio, Riccelli, Reeves, Wylie, Santos, Hackney, and Pollet)

Concerning the disposition of privately owned firearms in the custody of state or local government entities or law enforcement agencies.

The measure was read the second time.

MOTION

Senator Wagoner moved that the following floor amendment no. 812 by Senator Wagoner be adopted:

On page 19, line 9, after "for" strike "low-income" and insert "all"

Senator Wagoner spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 812 by Senator Wagoner on page 3, line 39 to Engrossed Substitute House Bill No. 2021.

The motion by Senator Wagoner did not carry and floor amendment no. 812 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following floor amendment no. 815 by Senator Wilson, L. be adopted:

On page 4, line 4, after "firearms;" insert "requiring proof the person relinquishing the firearm is the legal owner of the firearm;"

Senator Wilson, L. spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 815 by Senator Wilson, L. on page 4, line 4 to Engrossed Substitute House Bill No. 2236.

The motion by Senator Wilson, L. did not carry and floor amendment no. 815 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 811 by Senator Wagoner be adopted:

On page 4, line 23, after "(5)" strike all material through "as applicable." on line 29 and insert "For purposes of this section, "destroy" means:

(a) Melting or shredding of all parts of a firearm that were attached to the firearm at the time the firearm came into the possession of the state or local government entity or law enforcement agency including, but not limited to, the frame or receiver, barrel, bolt, and grip, as applicable, and any accessories or attachments including, but not limited to, any sight, scope, silencer, or suppressor, as applicable; or

(b) Breaking a firearm down into its separate component parts including, but not limited to, the frame or receiver, barrel, bolt, and grip, as applicable, and any accessories or attachments including, but not limited to, any sight, scope, silencer, or suppressor, as applicable."

Senators Wagoner and Fortunato spoke in favor of adoption of the amendment.

Senator Dhingra spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 811 by Senator Wagoner on page 4, line 23 to Engrossed Substitute House Bill No. 2021.

The motion by Senator Wagoner did not carry and floor amendment no. 811 was not adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 2021 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

Senator Fortunato spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2021.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2021 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Gildon, Hansen, Hasegawa, Hawkins, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2236, by House Committee on Education (originally sponsored by Representatives Shavers, Santos, Reed, and Goodman)

Expanding and strengthening career and technical education core plus programs.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that career and technical education core plus programs have demonstrated innovation and success in providing meaningful benefits to students and employers though collaborative partnerships that serve as a model for work-integrated learning in Washington. For more than a decade, these programs, and the rigorous career and technical education curricula they incorporate, have prepared students for structured pathways to employment, and presented employers with an expanded pool of candidates with relevant skills and abilities.

(2) Career and technical education core plus programs have been established in three high-demand economic sectors that provide numerous livable wage employment opportunities: Aerospace and advanced manufacturing; construction; and maritime. These programs, which were originally based in manufacturing, but have evolved in response to ever-changing education and economic needs, have been strongly supported by leaders in vital Washington industries, have provided unprecedented education and work-integrated learning opportunities to students. The legislature finds that these successes should be expanded to include an allied health professions program, with a curriculum that is inherently different from that of previously established career and technical education core plus programs, and that related efforts should consider options for future programs that reflect student, teacher, community, and employer needs, including programs in the information technology and natural resources sectors.

(3) Regardless of the sector, continual collaboration between education and industry partners has guided the establishment and operation of career and technical education core plus programs. These joint efforts, and the corresponding financial support from the state and industry partners, have: Focused on developing age-appropriate and developmentally appropriate curricula that is technically focused and academically rigorous; featured employer-supported professional development for teachers; and featured employer-provided worksite-based learning experiences for students and teachers. These elements are instrumental to the success of ongoing programs and offer a strong framework for establishing programs in other industry sectors.

(4) The legislature, therefore, intends to initiate a process for: (a) Soliciting expert recommendations for a career and technical education core plus model framework that can guide: The establishment and operation of successful programs in other high-demand sectors with livable wages and entry-level employment opportunities; and the expansion of operational programs; and (b) establishing a career and technical education program for allied health professions that is responsive to the needs of students, teachers, employers, and communities.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.700 RCW to read as follows:

(1)(a) The office of the superintendent of public instruction, in collaboration with the state board for community and technical colleges, the department of health, the health workforce council convened by the workforce training and education coordinating

board, a statewide organization representing career and technical education, representatives from the allied health industry, and representatives from labor organizations representing allied health professions, shall develop an allied health professions career and technical education program for providing instruction to students who are pursuing industry-recognized nondegree credentials that: (i) Lead to entry level positions in allied health professions; and (ii) lead or articulate to either related, recognized nondegree credentials or two or four-year degrees, or both. The program may include career and technical education courses offered prior to January 1, 2024, and courses developed or modified specifically for the program.

(b) Curriculum and other instructional materials for the program, that reflect consideration of the provisions in section 3(3)(c)(i) through (x) of this act, must be available for optional use in school districts and skill centers beginning in the 2027-28 school year.

(2) In meeting the requirements of this section, the office of the superintendent of public instruction shall:

(a) Consult with representatives from allied health profession employers and labor organizations representing allied health employees for the purpose of promoting industry sector partnerships, developing relationships with employers that are committed to hiring students who have completed the program, and soliciting recommendations for the establishment of the program on the following topics:

(i) Promotion of student input and awareness of the program, including its instructional offerings and potential work placement opportunities;

(ii) Curriculum;

(iii) Courses and course sequencing;

(iv) Development, maintenance, and expansion of industry, labor, and community partnerships;

(v) Program credentials;

(vi) Professional development for teachers; and

(vii) Other issues deemed necessary by the office of the superintendent of public instruction and the entities with which it must collaborate with as required in subsection (1)(a) of this section;

(b) Implement a process for soliciting comments about the program's establishment and operation from teachers and students, including students' parents or guardians; and

(c) Consider any preliminary or final recommendations of the statewide career and technical education task force established in section 3 of this act.

(3) Following the establishment of the program, the office of the superintendent of public instruction shall convene and collaborate with an advisory committee consisting of industry leadership from the allied health sector, representatives from a statewide entity representing businesses in the sector, and representatives from labor organizations representing employees in allied health professions for the purpose of:

(a) Informing the administration and continual improvement of the program;

(b) Reviewing data and outcomes;

(c) Recommending program improvements;

(d) Ensuring that the program reflects needed industry competencies; and

(e) Identifying appropriate program credentials.

(4) The office of the superintendent of public instruction may adopt and revise rules as necessary for the implementation of this section.

NEW SECTION. **Sec. 3.** (1) The statewide career and technical education task force is established in the office of the superintendent of public instruction. The members of the task force are as follows:

(a) The superintendent of public instruction or the superintendent's designee;

(b) Two representatives from a statewide organization representing career and technical education, at least one of whom must be a career and technical education core plus classroom instructor;

(c) A representative of career and technical education core plus aerospace and advanced manufacturing selected by an organization representing aerospace or advanced industrial manufacturers;

(d) A representative of career and technical education core plus construction selected by an organization representing general contractors;

(e) A representative of career and technical education core plus maritime selected by an organization representing maritime interests;

(f) A representative from the state board for community and technical colleges selected by the state board for community and technical colleges;

(g) A representative from a skill center as selected by the Washington state skill center association;

(h) A representative from the allied health industry; and

(i) A representative from the workforce training and education coordinating board selected by the workforce training and education coordinating board.

(2) The superintendent of public instruction or the superintendent's designee shall chair the task force, and staff support for the task force must be provided by the office of the superintendent of public instruction.

(3) The task force shall develop recommendations for:

(a) Expanding and strengthening the accessibility, stability, and uniformity of secondary work-integrated learning opportunities, including career and technical education, career connected learning, regional apprenticeship programs, career and technical education core plus programs, work-based learning, internships and externships, and other types of work-integrated learning. Recommendations required by this subsection (3)(a) should address governance, operations, and codification, and must be in the form of draft legislation. The legislature does not intend for recommendations required by this subsection (3)(a) to modify the operation of career and technical education core plus programs established prior to January 1, 2024;

(b) The successful administration and operation of career and technical education core plus programs through appropriate collaboration with industry sector leadership from program areas to inform the administration and continual improvement of the programs, review data outcomes, recommend program improvements, ensure that the programs reflect applicable industry competencies, and identify appropriate program credentials; and

(c) A career and technical education core plus model framework that can be used to guide the expansion, establishment, and operation of career and technical education core plus programs. In making recommendations in accordance with this subsection (3)(c), the task force must consider, at a minimum, the following:

(i) Curricula and instructional hours that lead or articulate to industry-recognized nondegree credentials;

(ii) Curricula provided without cost to educators;

(iii) Academic course equivalencies;

(iv) Courses and course sequencing;

(v) The development, maintenance, and expansion of industry, labor, and community partnerships;

(vi) Program credentials;

(vii) Training and professional development for educators and counselors;

(viii) Alignment with postsecondary education and training programs;

(ix) The promotion of student, family, and community awareness of career and technical education core plus programs, including instructional offerings and potential work placement opportunities; and

(x) The development and expansion of a cohort of employers willing to hire and place students that have successfully completed career and technical education core plus programs.

(4) The task force, in accordance with RCW 43.01.036, shall report its findings and recommendations to the governor, the appropriate fiscal and policy committees of the legislature, and the state board of education by November 15, 2025.

(5) This section expires June 30, 2026."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 28A.700 RCW; creating new sections; and providing an expiration date."

Senators Wellman and Hawkins spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 2236.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 2236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2236.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2236 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1239, by House Committee on Appropriations (originally sponsored 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 measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Fourth Substitute House Bill No. 1239 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Hawkins and Gildon spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Fourth Substitute House Bill No. 1239.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Fourth Substitute House Bill No. 1239 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED FOURTH SUBSTITUTE HOUSE BILL NO. 1239, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2306, by House Committee on Finance (originally sponsored by Representatives Steele and Callan)

Allowing main street programs to use remaining main street tax credits after a certain date.

The measure was read the second time.

MOTION

On motion of Senator Robinson, the rules were suspended, Engrossed Substitute House Bill No. 2306 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Robinson and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2306.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2306 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Hasegawa

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248, by House Committee on Appropriations (originally sponsored by Representatives Stonier, Harris, Senn, Simmons, Ryu, Reeves, Bergquist, Eslick, Pollet, and Reed)

Concerning pupil transportation.

The measure was read the second time.

MOTION

Senator Wellman moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature recognizes that school bus drivers play a crucial role in ensuring students' safe passage to and from school, preventing absences, and extending a positive school climate beyond the classroom. By delivering this essential service, school bus drivers provide a significant time and convenience benefit to thousands of Washington families, remove cars from the road, reduce overall emissions, and increase traffic safety. However, a recent national survey revealed that 94 percent of bus contractors experience driver shortages, with 21 percent reporting their shortages as severe. With this act, the state of Washington intends to encourage the retention of bus drivers who provide vital services to local communities.

Sec. 2. RCW 28A.160.140 and 1990 c 33 s 140 are each amended to read as follows:

(1) As a condition of entering into a pupil transportation services contract with a private nongovernmental entity, each school district shall engage in an open competitive process at least once every five years. This requirement shall not be construed to prohibit a district from entering into a pupil transportation services contract of less than five years in duration with a district option to renew, extend, or terminate the contract, if the district engages in an open competitive process at least once every five years after July 26, 1987.

(2)(a) A school district may only enter into, renew, or extend a pupil transportation services contract with a private nongovernmental entity if that entity provides the following to, or on behalf of, its employees who choose to opt in for coverage:

(i) An employer health benefits contribution equal to the employer payment dollar amount in effect for the first year of the contract for health care benefit rates (cockle rates), published annually by the health care authority, for the school employees' benefits board program for school employees; and

(ii) An amount equivalent to the salaries of the employees of the private nongovernmental entity multiplied by the employer normal cost contribution rate determined under the entry age cost method for the school employees' retirement system, as published in the most recent actuarial valuation report from the office of the state actuary for the first year of the contract.

(b) All pupil transportation service contracts entered into or modified after the effective date of this section must include a detailed explanation of any contract cost increase by year, expenditure type, and amount, including any increases in cost that result from providing the benefits required under this section.

(c) For contracts entered into, renewed, or extended in the 2024 calendar year, the benefits required under this section must be provided to employees by the beginning of the 2025-26 school year.

(3) As used in this section:

(((~~(1)~~))) (a) "Employees" means in-state employees of the private nongovernmental entity working sufficient compensated hours performing services pursuant to the contract with the school district to meet the eligibility requirements for the school employees' benefits board program if the employees were directly employed by a school district;

(b) "Open competitive process" means either one of the following, at the choice of the school district:

(((~~(a)~~))) (i) The solicitation of bids or quotations and the award of contracts under RCW 28A.335.190; or

(((~~(b)~~))) (ii) The competitive solicitation of proposals and their evaluation consistent with the process and criteria recommended or required, as the case may be, by the office of financial management for state agency acquisition of personal service contractors;

(((~~(2)~~))) (c) "Pupil transportation services contract" means a contract for the operation of privately owned or school district owned school buses, and the services of drivers or operators, management and supervisory personnel, and their support personnel such as secretaries, dispatchers, and mechanics, or any combination thereof, to provide students with transportation to and from school on a regular basis; and

(((~~(3)~~))) (d) "School bus" means a motor vehicle as defined in RCW 46.04.521 and under the rules of the superintendent of public instruction.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.160 RCW to read as follows:

(1) A school district that experiences an increase in costs to a pupil transportation services contract as compared to prior year contract costs as a result of the provisions in RCW 28A.160.140 is eligible for supplemental transportation allocations as described in this section.

(2) Beginning September 1, 2024, school districts that provide pupil transportation through a contract with a nongovernmental entity under RCW 28A.160.140 must annually provide the office of the superintendent of public instruction with the following information:

(a) A breakdown of the total contract cost increase, including a detailed explanation of the increase by expenditure type demonstrating dollar equivalency as required in RCW 28A.160.140(2)(a)(i) and percentage equivalency as required in RCW 28A.160.140(2)(a)(ii), as defined by the office of the superintendent of public instruction, and amount;

(b) A breakdown of cost from the contractor that shows the cost to provide health care and pension benefits to employees prior to

the effective date of this section and the cost to provide health care and pension benefits to employees after the implementation of benefits as described in RCW 28A.160.140;

(c) The amount of funding received through transportation allocations under RCW 28A.160.150 through 28A.160.192 prior to the implementation of school employee benefits under chapter 41.05 RCW and the amount of funding received through the same transportation allocations for the period immediately following the implementation of school employee benefits under chapter 41.05 RCW, to determine the amount of funding for health care that is already being included in allocations.

(3) The office of the superintendent of public instruction may suspend the reporting requirements under subsection (2) of this section on or after September 1, 2027, for districts that do not request supplemental transportation allocations under this section.

(4) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction must reimburse a school district for the increased cost that is directly attributable to increased benefits as required under this act, using the following formula: The total contract cost increase, less any amounts not attributable to benefits required under RCW 28A.160.140, less the amount the allocation was increased based on the actual cost increase through the transportation funding formula."

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 28A.160.140; adding a new section to chapter 28A.160 RCW; and creating a new section."

Senator Wellman spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education to Engrossed Substitute House Bill No. 1248.

The motion by Senator Wellman carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Substitute House Bill No. 1248 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1248 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1248 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1248 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

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 measure was read the second time.

MOTION

On motion of Senator Robinson, the rules were suspended, House Bill No. 2044 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Robinson spoke in favor of passage of the bill.

Senator Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 2044.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2044 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

HOUSE BILL NO. 2044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1976, by Representatives Fosse, Doglio, Fitzgibbon, Ramel, Reed, Lekanoff, Reeves, and Pollet

Changing the incentive structure for tier 1 and tier 2 buildings.

The measure was read the second time.

MOTION

On motion of Senator Nguyen, the rules were suspended, House Bill No. 1976 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nguyen and MacEwen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1976.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1976 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Hasegawa and Padden

HOUSE BILL NO. 1976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1635, by Representatives Mosbrucker, Walsh, and Eslick

Limiting liability arising from the use of trained police dogs.

The measure was read the second time.

MOTION

Senator King moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.101 RCW to read as follows:

By July 1, 2025, the commission shall develop model standards for the training and certification of canine teams to detect fentanyl. When developing the model standards, the commission shall consult with experts including public and private organizations that train canines to imprint on controlled substances, law enforcement or correctional agencies that use canines to detect controlled substances, and experts on the training of canines for use by law enforcement.

Sec. 2. RCW 4.24.410 and 1993 c 180 s 1 are each amended to read as follows:

(1) As used in this section:

(a) "Police dog" means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.

(b) "Accelerant detection dog" means a dog used exclusively for accelerant detection by the state fire marshal or a fire department and under the control of the state fire marshal or his or her designee or a fire department handler.

(c) "Dog handler" means a law enforcement officer who has successfully completed training as prescribed by the Washington state criminal justice training commission in police dog handling, or in the case of an accelerant detection dog, the state fire marshal's designee or an employee of the fire department authorized by the fire chief to be the dog's handler.

(d) "Lawful application of a police dog" means employment or specific use of a police dog as allowed by law.

(2) Any dog handler who uses a police dog in the line of duty in good faith is immune from civil action for damages arising out of such use of the police dog or accelerant detection dog.

(3) A state or local government or law enforcement agency is not strictly liable for damages resulting from the lawful application of a police dog."

On page 1, line 2 of the title, after "dogs;" strike the remainder of the title and insert "amending RCW 4.24.410; and adding a new section to chapter 43.101 RCW."

MOTION

Senator King moved that the following floor amendment no. 809 by Senator Rivers be adopted:

On page 1, at the beginning of line 5, insert "(1)"

On page 1, beginning on line 8, after "with" strike all material through "enforcement" on line 12 and insert ":

(a) Experts including public and private organizations that train canines to imprint on controlled substances;

(b) Law enforcement or correctional agencies that use canines to detect controlled substances;

(c) Experts on the training of canines for use by law enforcement; and

(d) Licensed medical professionals and veterinarians, to the extent reasonably available, with expertise in: (i) Developing and implementing protocols to minimize exposure of canines and their handlers to opioids and their derivatives, including fentanyl and its derivatives; (ii) detecting clinical signs of such exposure; and (iii) intervening with timely and appropriate medical and veterinary medical treatment in the field, during stabilization and transport, and in-hospital following exposure to opioids and their derivatives, including fentanyl and its derivatives."

Senators King and Dhingra spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 809 by Senator Rivers on page 1, line 5 to the committee striking amendment.

The motion by Senator King carried and floor amendment no. 809 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to House Bill No. 1635.

The motion by Senator King carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator King, the rules were suspended, House Bill No. 1635 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators King and Dhingra spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1635 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1635 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1635 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618, by House Committee on Appropriations (originally sponsored by Representatives Farivar, Simmons, Wylie, Berry, Walen, Fosse, Morgan, Macri, Pollet, Doglio, Reed, Caldier, and Orwall)

Concerning the statute of limitations for childhood sexual abuse.

The measure was read the second time.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Second Substitute House Bill No. 1618 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 1618.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 1618 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, by House Committee on Appropriations (originally sponsored by Representatives Taylor, Couture, and Rule)

Concerning child support pass through.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.23.035 and 2020 c 349 s 1 are each amended to read as follows:

(1) The department of social and health services shall adopt rules for the distribution of support money collected by the division of child support. These rules shall:

(a) Comply with Title IV-D of the federal social security act as amended by the personal responsibility and work opportunity reconciliation act of 1996 and the federal deficit reduction act of 2005;

(b) Direct the division of child support to distribute support money within eight days of receipt, unless one of the following circumstances, or similar circumstances specified in the rules, prevents prompt distribution:

(i) The location of the custodial parent is unknown;

(ii) The support debt is in litigation;

(iii) The division of child support cannot identify the responsible parent or the custodian;

(c) Provide for proportionate distribution of support payments if the responsible parent owes a support obligation or a support debt for two or more Title IV-D cases; and

(d) Authorize the distribution of support money, except money collected under 42 U.S.C. Sec. 664, to satisfy a support debt owed to the IV-D custodian before the debt owed to the state when the custodian stops receiving a public assistance grant.

(2) The division of child support may distribute support payments to the payee under the support order or to another person who has lawful physical custody of the child or custody with the payee's consent. The payee may file an application for an adjudicative proceeding to challenge distribution to such other person. Prior to distributing support payments to any person other than the payee, the registry shall:

(a) Obtain a written statement from the child's physical custodian, under penalty of perjury, that the custodian has lawful custody of the child or custody with the payee's consent;

(b) Mail to the responsible parent and to the payee at the payee's last known address a copy of the physical custodian's statement and a notice which states that support payments will be sent to the physical custodian; and

(c) File a copy of the notice with the clerk of the court that entered the original support order.

(3) If the Washington state support registry distributes a support payment to a person in error, the registry may obtain restitution by means of a set-off against future payments received on behalf of the person receiving the erroneous payment, or may act according to RCW 74.20A.270 as deemed appropriate. Any set-off against future support payments shall be limited to amounts collected on the support debt and ((~~ten~~)) 10 percent of amounts collected as current support.

(4) ((~~Effective February 1, 2021, consistent~~)) Consistent with 42 U.S.C. Sec. 657(a) as amended by section 7301(b)(7)(B) of the federal deficit reduction act of 2005, the department shall pass through ((~~child support that does not exceed fifty dollars per~~

~~month collected on behalf of a family, or in the case of a family that includes two or more children an amount that is not more than one hundred dollars per month~~)) to a family all amounts collected as current child support each month on behalf of the family. The department has rule-making authority to implement this subsection.

NEW SECTION. **Sec. 2.** A new section is added to chapter 74.08A RCW to read as follows:

The department shall disregard and not count as income any amount of current child support passed through to applicants or recipients pursuant to RCW 26.23.035 in determining eligibility for and the amount of temporary assistance for needy families or WorkFirst.

NEW SECTION. **Sec. 3.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 4.** This act takes effect January 1, 2026."

On page 1, line 1 of the title, after "through;" strike the remainder of the title and insert "amending RCW 26.23.035; adding a new section to chapter 74.08A RCW; creating a new section; and providing an effective date."

Senator Dhingra spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to Engrossed Substitute House Bill No. 1652.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 1652 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1652 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1652 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1996, by House Committee on Consumer Protection & Business (originally sponsored by Representatives Robertson, Chapman, and Graham)

Establishing the Washington recreational vehicle manufacturer and dealer law.

The measure was read the second time.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1996 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1996.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1996 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 1996, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2348, by House Committee on Finance (originally sponsored by Representatives Street, Chopp, Taylor, Fitzgibbon, Berry, Orwall, Davis, Alvarado, Farivar, Macri, Ryu, Riccelli, and Ormsby)

Concerning county hospital funding.

The measure was read the second time.

MOTION

Senator Pedersen moved that the following committee striking amendment by the Committee on Ways & Means be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.62.010 and 1984 c 26 s 1 are each amended to read as follows:

The legislative authority of any county may establish, provide, and maintain hospitals for the care and treatment of the indigent, sick, injured, or infirm, and for this purpose the county legislative authority may:

(1) Purchase or lease real property or use lands already owned

by the county;

(2) Erect all necessary buildings, make all necessary improvements and repairs and alter any existing building for the use of said hospitals;

(3) Use county moneys, levy taxes, and issue bonds as authorized by law, to raise a sufficient amount of money to ((~~cover~~)) pay, finance, or refinance the cost of procuring the site, constructing and operating hospitals, and for the maintenance and capital expenses thereof and all other necessary and proper expenses; and

(4) Accept and hold in trust for the county any grant of land, gift or bequest of money, or any donation for the benefit of the purposes of this chapter, and apply the same in accordance with the terms of the gift.

Sec. 2. RCW 36.62.090 and 1984 c 26 s 6 are each amended to read as follows:

If the hospital is established, the county legislative authority, at the time of levying general taxes, may levy an additional regular property tax, not to exceed ((~~fifty~~)) 20 cents per thousand dollars of assessed value in any one year, for the operation, maintenance, and capital expenses of the hospital, and any outpatient clinics operated by the hospital, and for the payment of principal and interest on bonds issued for such purposes. The limitations in RCW 84.52.043 do not apply to the tax levy authorized in this section and the limitation in RCW 84.55.010 does not apply to the first year that the tax levy is imposed under this section.

Sec. 3. RCW 84.52.043 and 2023 c 28 s 5 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levies by the state may not exceed the applicable aggregate rate limit specified in RCW 84.52.065 (2) or (4) adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed $1.80 per $1,000 of assessed value; (c) the levy by any road district may not exceed $2.25 per $1,000 of assessed value; and (d) the levy by any city or town may not exceed $3.375 per $1,000 of assessed value. However, any county is hereby authorized to increase its levy from $1.80 to a rate not to exceed $2.475 per $1,000 of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed $4.05 per $1,000 of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed $5.90 per $1,000 of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; (l) levies imposed by a regional transit authority under RCW 81.104.175; (m) levies imposed by any park and recreation district described under RCW 84.52.010(3)(a)(viii); ((~~and~~)) (n) the portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3); and (o) levies for county hospital purposes under RCW 36.62.090.

Sec. 4. RCW 84.52.043 and 2023 c 28 s 6 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named are as follows:

(1) Levies of the senior taxing districts are as follows: (a) The levies by the state may not exceed the applicable aggregate rate limit specified in RCW 84.52.065 (2) or (4) adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county may not exceed $1.80 per $1,000 of assessed value; (c) the levy by any road district may not exceed $2.25 per $1,000 of assessed value; and (d) the levy by any city or town may not exceed $3.375 per $1,000 of assessed value. However any county is hereby authorized to increase its levy from $1.80 to a rate not to exceed $2.475 per $1,000 of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed $4.05 per $1,000 of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, may not exceed $5.90 per $1,000 of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection do not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; (i) the portions of levies by fire protection districts and regional fire protection service authorities that are protected under RCW 84.52.125; (j) levies by counties for transit-related purposes under RCW 84.52.140; (k) the portion of the levy by flood control zone districts that are protected under RCW 84.52.816; (l) levies imposed by a regional transit authority under RCW 81.104.175; ((~~and~~)) (m) the portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3); and (n) levies for county hospital purposes under RCW 36.62.090.

Sec. 5. RCW 84.52.010 and 2023 c 28 s 3 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by

the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated, and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however, any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 36.69.145 by a park and recreation district described under (a)(viii) of this subsection (3), 84.34.230, 84.52.069, 84.52.105, 36.62.090, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, and any portion of a levy resulting from the correction of a levy error under RCW 84.52.085(3), the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3) must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 36.69.145 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated. This subsection (3)(a)(viii) only applies to a park and recreation district located on an island and within a county with a population exceeding 2,000,000;

(ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, 36.62.090, and any portion of the levy imposed under RCW 84.52.069 that is in excess of 30 cents per $1,000 of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

(x) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the 30 cents per $1,000 of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145 except a park and recreation district described under (a)(viii) of this subsection, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first 50 cents per $1,000 of assessed valuation levies for metropolitan park districts, and the first 50 cents per $1,000 of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first 50 cents per $1,000 of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or

eliminated; and

(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first 50 cents per $1,000 of assessed valuation levy, and public hospital districts under their first 50 cents per $1,000 of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

Sec. 6. RCW 84.52.010 and 2023 c 28 s 4 are each amended to read as follows:

(1) Except as is permitted under RCW 84.55.050, all taxes must be levied or voted in specific amounts.

(2) The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county must be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

(3) When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor must recompute and establish a consolidated levy in the following manner:

(a) The full certified rates of tax levy for state, county, county road district, regional transit authority, and city or town purposes must be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy takes precedence over all other levies and may not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, 36.62.090, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, 84.52.135, and 84.52.140, the portion of the levy by a flood control zone district that was protected under RCW 84.52.816, and the portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3), the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies must be reduced as follows:

(i) The portion of any levy resulting from the correction of a levy error under RCW 84.52.085(3) must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(ii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a flood control zone district that was protected under RCW 84.52.816 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.140 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(iv) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district or regional fire protection service authority that is protected under RCW 84.52.125 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(v) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vi) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(vii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

(viii) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, 36.62.090, and any portion of the levy imposed under RCW 84.52.069 that is in excess of 30 cents per $1,000 of assessed value, must be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated; and

(ix) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the 30 cents per $1,000 of assessed value of tax levy imposed under RCW 84.52.069 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(b) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property must be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(i) First, the certified property tax levy authorized under RCW 84.52.821 must be reduced on a pro rata basis or eliminated;

(ii) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 must be reduced on a pro rata basis or eliminated;

(iii) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts other than the portion of a levy protected under RCW 84.52.816 must be reduced on a pro rata basis or eliminated;

(iv) Fourth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first 50 cents per $1,000 of assessed valuation levies for metropolitan park districts, and the first 50 cents per $1,000 of assessed valuation levies for public hospital districts, must be reduced on a pro rata basis or eliminated;

(v) Fifth, if the consolidated tax levy rate still exceeds these limitations, the first 50 cents per $1,000 of assessed valuation levies for metropolitan park districts created on or after January

1, 2002, must be reduced on a pro rata basis or eliminated;

(vi) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) must be reduced on a pro rata basis or eliminated; and

(vii) Seventh, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first 50 cents per $1,000 of assessed valuation levy, and public hospital districts under their first 50 cents per $1,000 of assessed valuation levy, must be reduced on a pro rata basis or eliminated.

NEW SECTION. **Sec. 7.** Sections 3 and 5 of this act expire January 1, 2027.

NEW SECTION. **Sec. 8.** Sections 4 and 6 of this act take effect January 1, 2027."

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "amending RCW 36.62.010, 36.62.090, 84.52.043, 84.52.043, 84.52.010, and 84.52.010; providing an effective date; and providing an expiration date."

MOTION

Senator Wilson, L. moved that the following floor amendment no. 834 by Senator Wilson, L. be adopted:

On page 1, at the beginning of line 25, insert "(1)"

On page 2, after line 3, insert the following:

"(2) Only a county with a population exceeding 2,000,000 may impose the additional regular property tax authorized under this section."

Senators Wilson, L. and Pedersen spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 834 by Senator Wilson, L. on page 1, line 25 to the committee striking amendment.

The motion by Senator Wilson, L. carried and floor amendment no. 834 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Ways & Means as amended to Substitute House Bill No. 2348.

The motion by Senator Pedersen carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 2348 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Pedersen spoke in favor of passage of the bill.

Senator Wilson, L. spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2348 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2348 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hawkins, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hasegawa, Holy, King, MacEwen, McCune, Muzzall, Padden, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2348 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2084, by House Committee on Appropriations (originally sponsored 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 measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Second Substitute House Bill No. 2084 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Boehnke spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 2084.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2084 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 2084, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2247, by House Committee on Appropriations (originally sponsored by Representatives Bateman, Bronoske, Simmons, Duerr, Callan, Reed, Macri, Doglio, Leavitt, and Davis)

Addressing behavioral health provider shortages.

The measure was read the second time.

MOTION

Senator Cleveland moved that the following committee striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.19.020 and 2023 c 425 s 13 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means (a) an agency or facility operated, licensed, or certified by the state of Washington; (b) a federally recognized Indian tribe located within the state; ((~~or~~)) (c) a county; or (d) a federally qualified health center.

(2) "Agency affiliated counselor" means a person registered, certified, or licensed under this chapter who is employed by an agency or is a student intern, as defined by the department.

(3) "Certified adviser" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(4) "Certified agency affiliated counselor" means a person certified under this chapter who is engaging in counseling to the extent authorized in RCW 18.19.215.

(5) "Certified counselor" means a person certified under this chapter who is engaged in private practice counseling to the extent authorized in RCW 18.19.200.

(6) "Client" means an individual who receives or participates in counseling or group counseling.

(7) "Counseling" means employing any therapeutic techniques, including but not limited to social work, mental health counseling, marriage and family therapy, and hypnotherapy, for a fee that offer, assist or attempt to assist an individual or individuals in the amelioration or adjustment of mental, emotional, or behavioral problems, and includes therapeutic techniques to achieve sensitivity and awareness of self and others and the development of human potential. For the purposes of this chapter, nothing may be construed to imply that the practice of hypnotherapy is necessarily limited to counseling.

(8) "Counselor" means an individual, practitioner, therapist, or analyst who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, hypnotherapists.

(9) "Department" means the department of health.

(10) "Hypnotherapist" means a person registered under this chapter who is practicing hypnosis as a modality.

(11) "Licensed agency affiliated counselor" means a person licensed under this chapter who is engaged in counseling to the extent authorized in RCW 18.19.215.

(12) "Mental health professional" has the same definition as under RCW 71.05.020.

(13) "Private practice counseling" means the practice of counseling by a certified counselor or certified adviser as specified in RCW 18.19.200.

(14) "Psychotherapy" means the practice of counseling using diagnosis of mental disorders according to the fourth edition of the diagnostic and statistical manual of mental disorders, published in 1994, and the development of treatment plans for counseling based on diagnosis of mental disorders in accordance with established practice standards.

(15) "Registered agency affiliated counselor" means a person registered under this chapter who is engaged in counseling to the extent authorized in RCW 18.19.215. This includes juvenile probation counselors who are employees of the juvenile court under RCW 13.04.035 and 13.04.040 and juvenile court employees providing functional family therapy, aggression replacement training, or other evidence-based programs approved by the department of children, youth, and families. A student intern as defined by the department may be a registered agency affiliated counselor.

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

Sec. 2. RCW 18.83.020 and 1986 c 27 s 1 are each amended to read as follows:

(1) To safeguard the people of the state of Washington from the dangers of unqualified and improper practice of psychology, it is unlawful for any person to whom this chapter applies to represent himself or herself to be a psychologist or a licensed psychological associate without first obtaining a license as provided in this chapter.

(2) A person represents himself or herself to be a psychologist or a licensed psychological associate when the person adopts or uses any title or any description of services which incorporates one or more of the following terms: "psychology," "psychological," "psychologist," or any term of like import.

(3) A licensed psychological associate shall provide each client or patient, during the first professional contact, with a disclosure form disclosing that the licensed psychological associate is an associate under the supervision of an approved supervisor.

Sec. 3. RCW 18.83.050 and 2004 c 262 s 8 are each amended to read as follows:

(1) The board shall adopt such rules as it deems necessary to carry out its functions.

(2) The board shall examine the qualifications of applicants for licensing under this chapter, to determine which applicants are eligible for licensing under this chapter and shall forward to the secretary the names of applicants so eligible.

(3) The board shall administer examinations to qualified applicants on at least an annual basis. The board shall determine the subject matter and scope of the examination, except as provided in RCW 18.83.170. The board may allow applicants to take the examination upon the granting of their doctoral degree before completion of their internship for supervised experience.

(4) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, and the names and addresses of all licensed psychologists and licensed psychological associates. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

(5) The board shall, by rule, adopt a code of ethics for psychologists and licensed psychological associates which is designed to protect the public interest.

(6) The board may require that persons licensed under this chapter as psychologists or licensed psychological associates obtain and maintain professional liability insurance in amounts determined by the board to be practicable and reasonably available.

Sec. 4. RCW 18.83.080 and 1996 c 191 s 66 are each amended to read as follows:

The board shall forward to the secretary the name of each applicant entitled to a license under this chapter. The secretary

shall promptly issue to such applicant a license authorizing such applicant to use the title "psychologist"((~~,~~)) or "licensed psychological associate." Each licensed psychologist or licensed psychological associate shall keep his or her license displayed in a conspicuous place in his or her principal place of business.

Sec. 5. RCW 18.83.105 and 1996 c 191 s 69 are each amended to read as follows:

(1) The board ((~~may issue certificates of qualification with appropriate title to applicants who meet all the licensing requirements except the possession of the degree of Doctor of Philosophy or its equivalent in psychology from an accredited educational institution. These certificates of qualification certify that the holder has been examined by the board and is deemed competent to perform certain functions within the practice of psychology under the periodic direct supervision of a psychologist licensed by the board. Such functions will be specified on the certificate issued by the board. Such applicant shall comply with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280. Upon petition by a holder the board of examiners may grant authority to function without immediate supervision.~~)) shall issue a licensed psychological associate license to an applicant who:

(a) Is:

(i) Currently enrolled in a doctor of philosophy, doctor of psychology program, or its equivalent in psychology at an accredited educational institution; or

(ii) Participating in a postdoctoral residency, postdoctoral fellowship, or another supervised postdoctoral experience;

(b) Has been deemed competent by the director of clinical training or postdoctoral supervisor to practice psychology under the supervision of a licensed supervisor subject to rules adopted by the board; and

(c) Has complied with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280.

(2)(a) A holder of a licensed psychological associate license may only practice under the supervision of a licensed supervisor pursuant to rules adopted by the board.

(b) An applicant for a licensed psychological associate license under this section may practice without a license under the direct supervision of a licensed supervisor for 120 days after the department receives the applicant's completed application or the applicant's license is issued or denied, whichever is sooner.

Sec. 6. RCW 18.83.110 and 2020 c 302 s 116 are each amended to read as follows:

Confidential communications between a client and a psychologist or licensed psychological associate shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 71.05.217 (6) and (7).

Sec. 7. RCW 18.83.115 and 1986 c 27 s 9 are each amended to read as follows:

(1) Psychologists and licensed psychological associates licensed under this chapter shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with guidelines developed by the board, which will inform clients of the purposes of and resources available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the provider and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the psychologist or licensed psychological associate, the receipt of which shall be acknowledged in writing by the psychologist or licensed psychological associate and client, shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the board may require by rule.

(2) In inpatient settings, the health facility shall provide clients with the disclosure statement at the commencement of any program of treatment, and shall post the statement in a conspicuous location accessible to the client.

(3) The board shall provide for modification of the guidelines as appropriate in cases where the client has been referred by the court, a state agency, or other governmental body to a particular provider for specified evaluation or treatment.

Sec. 8. RCW 18.83.135 and 2000 c 93 s 7 are each amended to read as follows:

In addition to the authority prescribed under RCW 18.130.050, the board shall have the following authority:

(1) To maintain records of all activities, and to publish and distribute to all psychologists and licensed psychological associates at least once each year abstracts of significant activities of the board;

(2) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged; and

(3) To apply the provisions of the uniform disciplinary act, chapter 18.130 RCW, to all persons licensed as psychologists or licensed psychological associates under this chapter.

Sec. 9. RCW 18.83.170 and 2023 c 425 s 1 are each amended to read as follows:

(1)(a) Upon compliance with administrative procedures, administrative requirements, and fees determined under RCW 43.70.250 and 43.70.280, the board may grant a license, without oral examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that the applicant:

(((~~(a)~~))) (i) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and

(((~~(b)(i)~~))) (ii)(A) Is licensed or certified to practice psychology in another state or country in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or

(((~~(ii)~~))) (B) Is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or

(((~~(iii)~~))) (C) Is a member of a professional organization and holds a certificate deemed by the board to meet standards equivalent to this chapter.

(b) The board may adopt rules waiving any of the requirements of this subsection (1) for an applicant who has continuously held a license to practice psychology in good standing in another state, territory, or country for a period of time that, in the judgment of the board, renders the waived requirements duplicative or unnecessary.

(2)(a)(i) The department shall establish a reciprocity program for applicants for licensure as a psychologist in Washington.

(ii) The reciprocity program applies to applicants for a license as a psychologist who:

(A) Hold or have held within the past twelve months a credential in good standing from another state or territory of the United States which has a scope of practice that is substantially

equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter; and

(B) Have no disciplinary record or disqualifying criminal history.

(b) The department shall issue a probationary license to an applicant who meets the requirements of (a)(ii)(B) of this subsection. The department must determine what deficiencies, if any, exist between the education and experience requirements of the other state's credential and, after consideration of the experience and capabilities of the applicant, determine whether it is appropriate to require the applicant to complete additional education or experience requirements to maintain the probationary license and, within a reasonable time period, transition to a full license. The department may place a reasonable time limit on a probationary license and may, if appropriate, require the applicant to pass a jurisprudential examination.

(c) The department must maintain and publish a list of credentials in other states and territories that the department has determined to have a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter. The department shall prioritize identifying and publishing the department's determination for the five states or territories that have historically had the most applicants for reciprocity under subsection (1) of this section with a scope of practice that is substantially equivalent to or greater than the scope of practice for licensed psychologists as established under this chapter.

Sec. 10. RCW 18.83.180 and 1987 c 150 s 55 are each amended to read as follows:

It shall be a gross misdemeanor and unlicensed practice for any person to:

(1) Use in connection with his or her name any designation tending to imply that he or she is a licensed psychologist or licensed psychological associate unless duly licensed under or specifically excluded from the provisions of this chapter;

(2) Practice as a licensed psychologist or licensed psychological associate during the time his or her license issued under the provisions of this chapter is suspended or revoked.

Sec. 11. RCW 18.83.190 and 1991 c 3 s 203 are each amended to read as follows:

If any person represents himself or herself to be a psychologist or licensed psychological associate, unless the person is exempt from the provisions of this chapter, without possessing a valid license, certificated qualification, or a temporary permit to do so, or if he or she violates any of the provisions of this chapter, any prosecuting attorney, the secretary, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from representing himself or herself as a psychologist or licensed psychological associate. The injunction shall not relieve the person from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his or her license.

Sec. 12. RCW 18.83.210 and 1965 c 70 s 25 are each amended to read as follows:

Nothing in this chapter shall be construed as prohibiting any individual from offering counseling or guidance provided that such individuals do not hold themselves forth as psychologists or licensed psychological associates.

Sec. 13. RCW 18.205.095 and 2021 c 165 s 1 and 2021 c 57 s 1 are each reenacted and amended to read as follows:

(1) The secretary shall issue a trainee certificate to any applicant who demonstrates to the satisfaction of the secretary that he or she is working toward the education and experience requirements in RCW 18.205.090.

(2) A trainee certified under this section shall submit to the secretary for approval a declaration, in accordance with rules adopted by the department, which shall be updated with the trainee's annual renewal, that he or she is actively pursuing the experience requirements under RCW 18.205.090 and is enrolled in:

(a) An approved education program; or

(b) An apprenticeship program reviewed by the substance use disorder certification advisory committee, approved by the secretary, and registered and approved under chapter 49.04 RCW.

(3) A trainee certified under this section may practice only under the supervision of a certified substance use disorder professional. The first 50 hours of any face-to-face client contact must be under direct observation. All remaining experience must be under supervision in accordance with rules adopted by the department.

(4) A certified substance use disorder professional trainee provides substance use disorder assessments, counseling, and case management ((~~with a state regulated agency~~)) and can provide clinical services to patients consistent with his or her education, training, and experience as approved by his or her supervisor.

(5) ((~~A trainee certification may only be renewed four times, unless the secretary finds that a waiver to allow additional renewals is justified due to barriers to testing or training resulting from a governor declared emergency.~~)) A person whose trainee certification was not renewed due to the person exceeding the four-renewal limit in place prior to the effective date of this section shall be treated as if the person's certification expired. The secretary shall allow such a person to return the person's trainee certification to active status pursuant to standard rules and procedures in place for returning an expired credential to active status.

(6) Applicants are subject to denial of a certificate or issuance of a conditional certificate for the reasons set forth in chapter 18.130 RCW.

(7) A person certified under this chapter holding the title of chemical dependency professional trainee is considered to hold the title of substance use disorder professional trainee until such time as the person's present certification expires or is renewed.

Sec. 14. RCW 18.225.090 and 2023 c 425 s 3 and 2023 c 58 s 16 are each reenacted and amended to read as follows:

(1) The secretary shall issue a license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following education and experience requirements for the applicant's practice area.

(a) Licensed social work classifications:

(i) Licensed advanced social worker:

(A) Graduation from a master's social work educational program accredited by the council on social work education or a social work doctorate program at a university accredited by a recognized accrediting organization, and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of 3,200 hours with supervision by an approved supervisor who has been licensed for at least two years. Of those supervised hours:

(I) At least 90 hours must include direct supervision as specified in this subsection by a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of directly supervised experience at least 40 hours must be in one-to-one supervision and 50 hours may be in one-to-one supervision or group supervision; and

(II) 800 hours must be in direct client contact; and

(D) Successful completion of continuing education requirements ((~~of 36 hours, with six~~)) established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(ii) Licensed independent clinical social worker:

(A) Graduation from a master's level social work educational program accredited by the council on social work education or a social work doctorate program at a university accredited by a recognized accrediting organization, and approved by the secretary based upon nationally recognized standards;

(B) Successful completion of an approved examination;

(C) Successful completion of a supervised experience requirement. The supervised experience requirement consists of a minimum of 3,000 hours of experience, over a period of not less than two years, with supervision by an approved supervisor who has been licensed for at least two years and, as specified in this subsection, may be either a licensed independent clinical social worker who has had at least one year of experience in supervising the clinical social work of others or an equally qualified licensed mental health practitioner. Of those supervised hours:

(I) At least 1,000 hours must be direct client contact; and

(II) Hours of direct supervision must include:

(1) At least 100 hours by a licensed mental health practitioner;

(2) At least 70 hours of supervision with a licensed independent clinical social worker meeting the qualifications under this subsection (1)(a)(ii)(C); the remaining hours may be supervised by an equally qualified licensed mental health practitioner; and

(3) At least 60 hours must be in one-to-one supervision and the remaining hours may be in one-to-one supervision or group supervision; and

(D) Successful completion of continuing education requirements ((~~of 36 hours, with six~~)) established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(b) Licensed mental health counselor:

(i)(A) Graduation from a master's or doctoral level educational program in counseling that consists of at least 60 semester hours or 90 quarter hours, or includes at least 60 semester hours or 90 quarter hours of graduate coursework that includes the following topic areas:

(I) Mental health counseling orientation and ethical practice;

(II) Social and cultural diversity;

(III) Human growth and development;

(IV) Career development;

(V) Counseling and helping relationships;

(VI) Group counseling and group work;

(VII) Diagnosis and treatment;

(VIII) Assessment and testing; and

(IX) Research and program evaluation; or

(B) Graduation from a master's or doctoral level educational program in a related discipline from a college or university approved by the secretary based upon nationally recognized standards. An applicant who satisfies the educational requirements for licensure under this subsection (1)(b)(i)(B) is not qualified to exercise the privilege to practice under the counseling compact established in chapter 18.17 RCW unless the master's or doctoral level educational program in a related discipline consists of at least 60 semester hours or 90 quarter hours, or includes at least 60 semester hours or 90 quarter hours of graduate coursework that includes the topic areas specified in ((~~subsection (1)~~))(b)(i)(A)(I) through (IX) of this ((~~section [(b)(i)(A)(I) through (IX) of this subsection~~)) subsection;

(ii) Successful completion of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of 36 months full-time counseling or 3,000 hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner, in an approved setting. The 3,000 hours of required experience includes a minimum of 100 hours spent in immediate supervision with the qualified licensed mental health counselor, and includes a minimum of 1,200 hours of direct counseling with individuals, couples, families, or groups; and

(iv) Successful completion of continuing education requirements ((~~of 36 hours, with six~~)) established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(c) Licensed marriage and family therapist:

(i) Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards;

(ii) Successful passage of an approved examination;

(iii) Successful completion of a supervised experience requirement. The experience requirement consists of a minimum of 3,000 hours of marriage and family therapy. Of the total supervision, 100 hours must be with a licensed marriage and family therapist with at least ((~~five~~)) two years' clinical experience; the other 100 hours may be with an equally qualified licensed mental health practitioner. Total experience requirements include:

(A) 1,000 hours of direct client contact; at least 500 hours must be gained in diagnosing and treating couples and families; plus

(B) At least 200 hours of qualified supervision with a supervisor. At least 100 of the 200 hours must be one-on-one supervision, and the remaining hours may be in one-on-one or group supervision.

Applicants who have completed a master's program accredited by the commission on accreditation for marriage and family therapy education of the American association for marriage and family therapy may be credited with 500 hours of direct client contact and 100 hours of formal meetings with an approved supervisor; and

(iv) Successful completion of continuing education requirements ((~~of 36 hours, with six~~)) established in rule by the secretary in consultation with the committee, including a minimum number of hours in professional ethics.

(2) The department shall establish by rule what constitutes adequate proof of meeting the criteria. Only rules in effect on the date of submission of a completed application of an associate for her or his license shall apply. If the rules change after a completed application is submitted but before a license is issued, the new rules shall not be reason to deny the application.

(3) In addition, applicants shall be subject to the grounds for denial of a license or issuance of a conditional license under chapter 18.130 RCW.

Sec. 15. RCW 18.225.145 and 2021 c 57 s 2 are each amended to read as follows:

(1) The secretary shall issue an associate license to any applicant who demonstrates to the satisfaction of the secretary that the applicant meets the following requirements for the applicant's practice area and submits a declaration that the applicant is working toward full licensure in that category:

(a) Licensed social worker associate—advanced or licensed social worker associate—independent clinical: Graduation from a master's degree or doctoral degree educational program in social work accredited by the council on social work education and approved by the secretary based upon nationally recognized

standards.

(b) Licensed mental health counselor associate: Graduation from a master's degree or doctoral degree educational program in mental health counseling or a related discipline from a college or university approved by the secretary based upon nationally recognized standards.

(c) Licensed marriage and family therapist associate: Graduation from a master's degree or doctoral degree educational program in marriage and family therapy or graduation from an educational program in an allied field equivalent to a master's degree or doctoral degree in marriage and family therapy approved by the secretary based upon nationally recognized standards.

(2) Associates may not provide independent social work, mental health counseling, or marriage and family therapy for a fee, monetary or otherwise. Associates must work under the supervision of an approved supervisor. Beginning October 1, 2025, an applicant for an associate license under this section may practice without a license under the direct supervision of an approved supervisor for 120 days after the department receives the applicant's completed application or the applicant's license is issued or denied, whichever is sooner.

(3) Associates shall provide each client or patient, during the first professional contact, with a disclosure form according to RCW 18.225.100, disclosing that he or she is an associate under the supervision of an approved supervisor.

(4) The department shall adopt by rule what constitutes adequate proof of compliance with the requirements of this section.

(5) Applicants are subject to the denial of a license or issuance of a conditional license for the reasons set forth in chapter 18.130 RCW.

(6)(a) ((~~Except as provided in (b) of this subsection, an~~)) An associate license may be renewed ((~~no more than six times, provided that~~)). Until October 1, 2025, the applicant for renewal ((~~has~~)) must have successfully completed eighteen hours of continuing education in the preceding year. After October 1, 2025, the applicant for renewal must have successfully completed, in the preceding year, continuing education requirements established in rule by the secretary in consultation with the committee. Beginning with the second renewal, ((~~at least six of~~)) the continuing education requirements established in rule by the secretary in consultation with the committee must require the applicant to complete a minimum number of continuing education hours in the preceding two years ((~~must be~~)) in professional ethics.

(b) ((~~If the secretary finds that a waiver to allow additional renewals is justified due to barriers to testing or training resulting from a governor-declared emergency, additional renewals may be approved.~~)) A person whose associate license was not renewed due to the person exceeding the six-renewal limit in place prior to the effective date of this section shall be treated as if the person's license expired. The secretary shall allow such a person to return the person's associate license to active status pursuant to standard rules and procedures in place for returning an expired credential to active status.

Sec. 16. RCW 18.225.180 and 2023 c 425 s 7 are each amended to read as follows:

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, by October 1, 2023, the department shall develop a program to facilitate placement of associates with clinical supervision services. The program must include a database of license holders with the required qualifications who are willing to serve as approved supervisors and agencies or facilities that offer supervision services through their facilities to associates seeking to satisfy supervised experience requirements under RCW 18.225.090.

(b) The department shall adopt, by rule, minimum qualifications for supervisors or facilities to be included in the database and minimum standards for adequate supervision of associates. The department may not include in the database any person who, or facility that, does not meet the minimum qualifications. The department shall periodically audit the list to remove persons who, or facilities that, no longer meet the minimum qualifications or fail to meet the minimum standards.

(2) Subject to the availability of amounts appropriated for this specific purpose, the department shall establish a stipend program to ((~~defray the out-of-pocket expenses incurred by~~)) offset the costs incurred when providing supervision for associates completing supervised experience requirements under RCW 18.225.090.

(a) ((~~Out-of-pocket expenses eligible for defrayment under this section include costs incurred in order to obtain supervised experience, such as fees or charges imposed by the individual or entity providing supervision, and any other expenses deemed appropriate by the department.~~)) To be eligible for the stipend program under this subsection (2), a supervisor must:

(i) Meet all requirements of a qualified supervisor in this chapter and chapter 246-809 WAC; and

(ii) Be actively providing supervision to at least one associate completing supervised experience requirements under RCW 18.225.090.

(b) ((~~Associates~~)) Supervisors participating in the stipend program established in this section shall document their ((~~out-of-pocket~~)) incurred expenses attributable to each supervised associate and time spent supervising each associate under their supervision in a manner specified by the department.

(c) ((~~When adopting the stipend program, the department shall consider defraying out-of-pocket expenses associated with unpaid internships that are part of an applicant's educational program.~~)) (i) Supervisors receiving a stipend under this section are eligible for up to $2,000 per year per associate if the supervisor maintains the supervisory relationship for the entire year and subject to the availability of funds. If the supervisor does not provide supervision for an entire year, the department shall prorate the stipend amount accordingly.

(ii) If a participating supervisor's documented expenses attributable to a supervised associate exceed the stipend the supervisor receives under (c)(i) of this subsection for supervising that associate, the participating supervisor may charge the associate a fee to recoup the excess expenses attributable to that associate. In no case may a fee charged to an individual associate under this subsection (2)(c)(ii) exceed $1,600 per year. The supervisor shall report any fees charged to the associate to the department.

(d) The department shall establish the stipend program no later than July 1, ((~~2024~~)) 2025.

(((~~(c)~~))) (3) The department may adopt any rules necessary to implement this section.

Sec. 17. RCW 71.05.020 and 2023 c 433 s 3 and 2023 c 425 s 20 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025;

(2) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

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

physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(5) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(7) "Authority" means the Washington state health care authority;

(8) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(9) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(10) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(11) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(12) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(14) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary commitment of an individual;

(15) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(16) "Department" means the department of health;

(17) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(18) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(19) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(20) "Developmental disability" means that condition defined in RCW 71A.10.020(6);

(21) "Director" means the director of the authority;

(22) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

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

(24) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(25) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(26) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(27) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(28) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(29) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(30) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(31) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(32) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(34) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(35) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(36) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(37) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(38) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and ready for referral to the designated crisis responder;

(39) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(40) "Mental health professional" means an individual practicing within the mental health professional's statutory scope of practice who is:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, as defined in this chapter and chapter 71.34 RCW;

(b) A mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate, as defined in chapter 18.225 RCW; ((~~or~~))

(c) A certified or licensed agency affiliated counselor, as defined in chapter 18.19 RCW; or

(d) A licensed psychological associate as described in chapter 18.83 RCW;

(41) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(42) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(43) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(44) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(45) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(46) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(47) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(48) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(49) "Release" means legal termination of the commitment under the provisions of this chapter;

(50) "Resource management services" has the meaning given in chapter 71.24 RCW;

(51) "Secretary" means the secretary of the department of health, or his or her designee;

(52) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance

use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

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

(c) Be licensed or certified as such by the department of health;

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

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

(55) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(56) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(57) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(58) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(59) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

Sec. 18. RCW 71.05.020 and 2023 c 433 s 4 and 2023 c 425 s 21 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "23-hour crisis relief center" has the same meaning as under RCW 71.24.025;

(2) "Admission" or "admit" means a decision by a physician, physician assistant, or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(3) "Alcoholism" means a disease, characterized by a dependency on alcoholic beverages, loss of control over the amount and circumstances of use, symptoms of tolerance, physiological or psychological withdrawal, or both, if use is reduced or discontinued, and impairment of health or disruption of social or economic functioning;

(4) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(5) "Approved substance use disorder treatment program" means a program for persons with a substance use disorder provided by a treatment program certified by the department as meeting standards adopted under chapter 71.24 RCW;

(6) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(7) "Authority" means the Washington state health care authority;

(8) "Behavioral health disorder" means either a mental disorder as defined in this section, a substance use disorder as defined in this section, or a co-occurring mental disorder and substance use disorder;

(9) "Behavioral health service provider" means a public or private agency that provides mental health, substance use disorder, or co-occurring disorder services to persons with behavioral health disorders as defined under this section and receives funding from public sources. This includes, but is not limited to: Hospitals licensed under chapter 70.41 RCW; evaluation and treatment facilities as defined in this section; community mental health service delivery systems or community behavioral health programs as defined in RCW 71.24.025; licensed or certified behavioral health agencies under RCW 71.24.037; facilities conducting competency evaluations and restoration under chapter 10.77 RCW; approved substance use disorder treatment programs as defined in this section; secure withdrawal management and stabilization facilities as defined in this section; and correctional facilities operated by state and local governments;

(10) "Co-occurring disorder specialist" means an individual possessing an enhancement granted by the department of health under chapter 18.205 RCW that certifies the individual to provide substance use disorder counseling subject to the practice limitations under RCW 18.205.105;

(11) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(12) "Community behavioral health agency" has the same meaning as "licensed or certified behavioral health agency" defined in RCW 71.24.025;

(13) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(14) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed or certified by the department, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization, or to determine the need for involuntary

commitment of an individual;

(15) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(16) "Department" means the department of health;

(17) "Designated crisis responder" means a mental health professional appointed by the county, by an entity appointed by the county, or by the authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider, to perform the duties specified in this chapter;

(18) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(19) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, physician assistant working with a supervising psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary of the department of social and health services;

(20) "Developmental disability" means that condition defined in RCW 71A.10.020(6);

(21) "Director" means the director of the authority;

(22) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

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

(24) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is licensed or certified as such by the department. The authority may certify single beds as temporary evaluation and treatment beds under RCW 71.05.745. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department of social and health services or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(25) "Gravely disabled" means a condition in which a person, as a result of a behavioral health disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration from safe behavior evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(26) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(27) "Hearing" means any proceeding conducted in open court that conforms to the requirements of RCW 71.05.820;

(28) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a behavioral health facility, or in confinement as a result of a criminal conviction;

(29) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(30) "In need of assisted outpatient treatment" refers to a person who meets the criteria for assisted outpatient treatment established under RCW 71.05.148;

(31) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(32) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals;

(33) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(34) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public behavioral health service providers under RCW 71.05.130;

(35) "Less restrictive alternative treatment" means a program of individualized treatment in a less restrictive setting than inpatient treatment that includes the services described in RCW 71.05.585. This term includes: Treatment pursuant to a less restrictive alternative treatment order under RCW 71.05.240 or 71.05.320; treatment pursuant to a conditional release under RCW 71.05.340; and treatment pursuant to an assisted outpatient treatment order under RCW 71.05.148;

(36) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington;

(37) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused harm, substantial pain, or which places another person or persons in reasonable fear of harm to themselves or others; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(38) "Medical clearance" means a physician or other health care provider has determined that a person is medically stable and

ready for referral to the designated crisis responder;

(39) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(40) "Mental health professional" means an individual practicing within the mental health professional's statutory scope of practice who is:

(a) A psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, as defined in this chapter and chapter 71.34 RCW;

(b) A mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate, as defined in chapter 18.225 RCW; ((~~or~~))

(c) A certified or licensed agency affiliated counselor, as defined in chapter 18.19 RCW; or

(d) A licensed psychological associate as described in chapter 18.83 RCW;

(41) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(42) "Physician assistant" means a person licensed as a physician assistant under chapter 18.71A RCW;

(43) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, or approved substance use disorder treatment program, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders;

(44) "Professional person" means a mental health professional, substance use disorder professional, or designated crisis responder and shall also mean a physician, physician assistant, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(45) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(46) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(47) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(48) "Public agency" means any evaluation and treatment facility or institution, secure withdrawal management and stabilization facility, approved substance use disorder treatment program, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with behavioral health disorders, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments;

(49) "Release" means legal termination of the commitment under the provisions of this chapter;

(50) "Resource management services" has the meaning given in chapter 71.24 RCW;

(51) "Secretary" means the secretary of the department of health, or his or her designee;

(52) "Secure withdrawal management and stabilization facility" means a facility operated by either a public or private agency or by the program of an agency which provides care to voluntary individuals and individuals involuntarily detained and committed under this chapter for whom there is a likelihood of serious harm or who are gravely disabled due to the presence of a substance use disorder. Secure withdrawal management and stabilization facilities must:

(a) Provide the following services:

(i) Assessment and treatment, provided by certified substance use disorder professionals or co-occurring disorder specialists;

(ii) Clinical stabilization services;

(iii) Acute or subacute detoxification services for intoxicated individuals; and

(iv) Discharge assistance provided by certified substance use disorder professionals or co-occurring disorder specialists, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual;

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

(c) Be licensed or certified as such by the department of health;

(53) "Severe deterioration from safe behavior" means that a person will, if not treated, suffer or continue to suffer severe and abnormal mental, emotional, or physical distress, and this distress is associated with significant impairment of judgment, reason, or behavior;

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

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

(56) "Substance use disorder professional" means a person certified as a substance use disorder professional by the department of health under chapter 18.205 RCW;

(57) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(58) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for behavioral health disorders, which are maintained by the department of social and health services, the department, the authority, behavioral health administrative services organizations and their staffs, managed care organizations and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department of social and health services, the department, the authority, behavioral health administrative services organizations, managed care organizations, or a treatment facility if the notes or records are not available to others;

(59) "Video," unless the context clearly indicates otherwise, means the delivery of behavioral health services through the use of interactive audio and video technology, permitting real-time

communication between a person and a designated crisis responder, for the purpose of evaluation. "Video" does not include the use of audio-only telephone, facsimile, email, or store and forward technology. "Store and forward technology" means use of an asynchronous transmission of a person's medical information from a mental health service provider to the designated crisis responder which results in medical diagnosis, consultation, or treatment;

(60) "Violent act" means behavior that resulted in homicide, attempted suicide, injury, or substantial loss or damage to property.

NEW SECTION. **Sec. 19.** The health care authority shall ensure that all services provided by associate licenses under chapters 18.225 and 18.83 RCW are included in the state medicaid program, including filing any necessary state plan amendments by January 1, 2025.

NEW SECTION. **Sec. 20.** The examining board of psychology may adopt any rules necessary to implement sections 2 through 12 of this act. The secretary of health may adopt any rules necessary to implement sections 1 and 13 through 16 of this act.

NEW SECTION. **Sec. 21.** (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.

NEW SECTION. **Sec. 22.** 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.

NEW SECTION. **Sec. 23.** (1) Section 1 of this act takes effect January 1, 2028.

(2) Sections 2 through 12, 14, and 16 of this act take effect October 1, 2025.

NEW SECTION. **Sec. 24.** Section 17 of this act expires when section 18 of this act takes effect.

NEW SECTION. **Sec. 25.** Section 18 of this act takes effect when the contingency in section 26, chapter 433, Laws of 2023 takes effect."

On page 1, line 2 of the title, after "shortages;" strike the remainder of the title and insert "amending RCW 18.19.020, 18.83.020, 18.83.050, 18.83.080, 18.83.105, 18.83.110, 18.83.115, 18.83.135, 18.83.170, 18.83.180, 18.83.190, 18.83.210, 18.225.145, and 18.225.180; reenacting and amending RCW 18.205.095, 18.225.090, 71.05.020, and 71.05.020; creating new sections; providing effective dates; providing a contingent effective date; providing an expiration date; and providing a contingent expiration date."

Senators Cleveland and Rivers spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Engrossed Second Substitute House Bill No. 2247.

The motion by Senator Cleveland carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Second Substitute House Bill No. 2247 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2247.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2247 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

Pursuant to Article 2, Section 32 of the State Constitution and Senate Rule 1(5), the President announced the signing of and thereupon did sign in open session:

HOUSE BILL NO. 1153,
HOUSE BILL NO. 1726,
HOUSE BILL NO. 1876,
HOUSE BILL NO. 1879,
SUBSTITUTE HOUSE BILL NO. 1880,
SUBSTITUTE HOUSE BILL NO. 1889,
HOUSE BILL NO. 1890,
HOUSE BILL NO. 1898,
SUBSTITUTE HOUSE BILL NO. 1947,
HOUSE BILL NO. 1948,
HOUSE BILL NO. 1955,
HOUSE BILL NO. 1962,
SUBSTITUTE HOUSE BILL NO. 1974,
HOUSE BILL NO. 1978,
HOUSE BILL NO. 1987,
SUBSTITUTE HOUSE BILL NO. 2015,
HOUSE BILL NO. 2034,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2041,
SUBSTITUTE HOUSE BILL NO. 2075,
SUBSTITUTE HOUSE BILL NO. 2086,
ENGROSSED HOUSE BILL NO. 2088,
SECOND SUBSTITUTE HOUSE BILL NO. 2151,
SUBSTITUTE HOUSE BILL NO. 2156,
SUBSTITUTE HOUSE BILL NO. 2165,
SUBSTITUTE HOUSE BILL NO. 2216,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2256,
SUBSTITUTE HOUSE BILL NO. 2329,
SUBSTITUTE HOUSE BILL NO. 2355,
SUBSTITUTE HOUSE BILL NO. 2368,
and HOUSE BILL NO. 2433.

MOTION

On motion of Senator Pedersen, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

Editor's Note: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

At 6:02 p.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 7 p.m. by President Heck.

SECOND READING

HOUSE BILL NO. 1946, by Representatives Eslick, Leavitt, Ryu, Slatter, Duerr, Ramos, Senn, Reed, Graham, Callan, Timmons, Macri, Paul, Harris, Lekanoff, Riccelli, Pollet, and Davis

Creating the Washington health corps behavioral health scholarship program.

The measure was read the second time.

MOTION

On motion of Senator Nobles, the rules were suspended, House Bill No. 1946 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles and Holy spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1946.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1946 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

HOUSE BILL NO. 1946, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384, by House Committee on Transportation (originally sponsored by Representatives Donaghy, Fitzgibbon, Walen, and Pollet)

Concerning automated traffic safety cameras.

The measure was read the second time.

MOTION

Senator Liias moved that the following committee striking amendment by the Committee on Transportation be not adopted:

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; stopping or traveling in restricted lane violations; and public transportation bus stop zone violations detected from a public transportation vehicle-mounted system.

(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) "Roadway work zone" means an area of any city roadway, including state highways that are also classified as city streets

under chapter 47.24 RCW, or county road as defined in RCW 46.04.150, with construction, maintenance, or utility work with a duration of 30 calendar days or more. A roadway 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. A roadway work zone 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.

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

(7) "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.

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) Any city or county may authorize the use of automated traffic safety cameras and must adopt an ordinance authorizing such use through its 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 to a new location 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 when identifying where to locate an automated traffic safety camera. The analysis must also show a demonstrated need for traffic cameras based on one or more of the following in the vicinity of the proposed camera location: Travel by vulnerable road users, evidence of vehicles speeding, rates of collision, reports showing near collisions, and 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. 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.

(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 must also post such restrictions and other automated traffic safety camera policies on the city's or county's website. 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's 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 July 1, 2026, 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 July 1, 2026, 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. All public transportation vehicles utilizing a vehicle-mounted system must post a sign on the rear of the vehicle indicating to drivers that the vehicle is equipped with an automated traffic safety camera to enforce bus stop zone violations.

(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 (17) 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 (17) of this section. If appropriate under the circumstances, a renter identified under subsection (17)(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, as specified in RCW 46.63.030(1)(d), 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. Transit authorities must provide to the appropriate local jurisdiction that has authorized traffic safety camera use under section 6(2) of this act any images or evidence collected establishing that a violation of stopping, standing, or parking in a bus stop zone has occurred for infraction processing purposes consistent with 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. If the contract between the city or county and manufacturer or vendor of the equipment does not provide for performance or quality control measures regarding camera images, the city or county must perform a performance audit of the manufacturer or vendor of the equipment every three years to review and ensure that images produced from automated traffic safety cameras are sufficient for evidentiary purposes as described in subsection (9) of this section.

(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:

(i) Traffic safety activities related to construction and preservation projects and maintenance and operations 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, and changes to improve safety for active transportation users, including improvements to access and safety for road users with mobility, sight, or other disabilities; and

(ii) The cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions.

(b)(i) The automated traffic safety camera program revenue used by a county or city with a population of 10,000 or more for purposes described in (a)(i) of this subsection 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).

(ii) The automated traffic safety camera program revenue used by a city or county with a population under 10,000 for traffic safety capital improvement projects must be informed by the department of health's environmental health disparities map.

(c)(i) Except as provided in (c)(ii) of this subsection, jurisdictions that have automated traffic safety camera programs in effect before January 1, 2024, 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 types of infractions in accordance with that ordinance as determined by that jurisdiction, as well as for the purposes established in (a) and (b) of this subsection.

(ii)(A) Beginning four years after an automated traffic safety camera authorized under this section is initially placed and in use after the effective date of this section, 25 percent of the noninterest money received for infractions issued by such cameras in excess of the cost to administer, install, operate, and maintain the cameras, including the cost of processing infractions, must be deposited into the Cooper Jones active transportation safety account created in RCW 46.68.480. The revenue distribution requirements under this subsection (13)(c)(ii)(A) do not apply to automated traffic safety camera programs in effect before January 1, 2024, 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, or if the camera initially placed and in use after the effective date of this section is relocated within the four-year period.

(B) Jurisdictions with an automated traffic safety program in effect before January 1, 2024, for which an ordinance in effect as of January 1, 2024, directs the manner in which revenue generated from any automated traffic safety cameras authorized under sections 4, 5 (2) (a), (b), (d), (e), and (f), (3), and 6 of this act must be used, may continue to allocate revenue from these types of infractions in accordance with that ordinance, as well as for the purposes established in (a) and (b) of this subsection, by up to a 10 percent increase in the number of traffic cameras authorized to detect violations as authorized in section 4, 5 (2) (a), (b), (d), (e), or (f), (3), or 6 of this act.

(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 $145, as adjusted for inflation by the office of financial management every five years, beginning January 1, 2029, based upon changes in the consumer price index during that time period.

(17) If the registered owner of the vehicle is a rental car

business, the issuing 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 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 railroad grade 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) Roadway work zones, except that a notice of infraction may only be issued if an automated traffic safety camera captures a speed violation when workers are present; 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 and subsection (5) of this section, automated traffic safety cameras may be used in cities with populations of more than 500,000 residents 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) Subject to section 2 of this act, automated traffic safety cameras may also be used in cities with a bus rapid transit corridor or routes to detect public transportation only lane violations.

(3) Subject to section 2 of this act, automated traffic safety cameras that are part of a public transportation vehicle-mounted system may be used by a transit authority within a county with a population of more than 1,500,000 residents to detect stopping, standing, or parking in bus stop zone violations if authorized by the local legislative authority with jurisdiction over the transit authority.

(4) Subject to section 2 of this act, and in consultation with the department of transportation, automated traffic safety cameras may be used to detect ferry queue violations under RCW 46.61.735.

(5) Use of automated traffic safety cameras as authorized in subsection (1) of this section is restricted to the following locations only: Intersections as described in section 3(2) of this act; railroad grade crossings; school speed zones; school walk zones; public park speed zones; hospital speed zones; and midblock on arterials. The use of such automated traffic safety cameras is further limited to the following:

(a) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(b) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (a) of this subsection;

(c) Portions of roadway systems in the city that travel into and out of (b) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(d) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (c) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(6) A transit authority may not take disciplinary action regarding a warning or infraction issued pursuant to subsections (1) through (3) of 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 as 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. 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 as designated by a city or county, has the authority to review infractions detected through the use of an automated school bus safety camera under RCW 46.63.180 and to issue notices of infraction consistent with RCW 46.63.180(1)(b). 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; 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 46.63.180 and 2013 c 306 s 716 are each amended to read as follows:

(1) School districts may install and operate automated school bus safety cameras on school buses to be used for the detection of violations of RCW 46.61.370(1) if the use of the cameras is approved by a vote of the school district board of directors. School districts are not required to take school buses out of service if the buses are not equipped with automated school bus safety cameras or functional automated safety cameras. Further, school districts shall be held harmless from and not liable for any criminal or civil liability arising under the provisions of this section.

(a) Automated school bus safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(b) A notice of infraction must be mailed to the registered owner of the vehicle within ((~~fourteen~~)) 14 days of the violation, or to the renter of a vehicle within ((~~fourteen~~)) 14 days of establishing the renter's name and address under subsection (2)(a)(i) of this section. The ((~~law enforcement officer issuing the~~)) notice of infraction ((~~shall~~)) must also include a certificate or facsimile of the notice, based upon inspection of photographs, microphotographs, or electronic images produced by an automated school bus 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 school bus safety camera may respond to the notice by mail.

(c) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) 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 (2) of this section. If appropriate under the circumstances, a renter identified under subsection (2)(a)(i) of this section is responsible for an infraction.

(d) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of ((~~law enforcement~~)) authorized city or county employees, as specified in RCW 46.63.030(1)(e), 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 may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(e) If a school district installs and operates an automated school bus safety camera 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. Further, any repair, replacement, or administrative work costs related to installing or repairing automated school bus safety cameras must be solely paid for by the manufacturer or vendor of the cameras. Before entering into a contract with the manufacturer or vendor of the equipment used under this subsection (1)(e), the school district must follow the competitive bid process as outlined in RCW 28A.335.190(1).

(f) Any revenue collected from infractions detected through the use of automated school bus safety cameras, less the administration and operating costs of the cameras, must be remitted to school districts for school zone safety projects as determined by the school district using the automated school bus safety cameras. The administration and operating costs of the cameras includes infraction enforcement and processing costs that are incurred by local law enforcement or local courts. During the 2013-2015 fiscal biennium, the infraction revenue may also be used for school bus safety projects by those school districts eligible to apply for funding from the school zone safety account appropriation in section 201, chapter 306, Laws of 2013.

(2)(a) If the registered owner of the vehicle is a rental car business, the ((~~law enforcement~~)) issuing agency shall, before a notice of infraction is 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 ((~~eighteen~~)) 18 days of receiving the written notice, provide to the issuing agency by return mail:

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

(ii) 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 (2)(a)(ii) must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(iii) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

(b) Timely mailing of a statement under this subsection to the issuing ((~~law enforcement~~)) agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(3) For purposes of this section, "automated school bus safety camera" means a device that is affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction identified in RCW 46.61.370(1).

Sec. 10. 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. 11. 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~~)) section 2(13)(c)(ii)(A) of this act and 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.

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."

On page 1, line 1 of the title, after "cameras;" strike the remainder of the title and insert "amending RCW 46.16A.120, 46.63.030, 46.63.180, 46.63.075, and 46.68.480; adding new

sections to chapter 46.63 RCW; and repealing RCW 46.63.170."

Senator Liias spoke in favor of not adopting the committee striking amendment.

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 2384.

The motion by Senator Liias carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Liias moved that the following striking floor amendment no. 803 by Senator Liias be adopted:

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; stopping or traveling in restricted lane violations; and public transportation bus stop zone violations detected by a public transportation vehicle-mounted system.

(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) "Roadway work zone" means an area of any city roadway, including state highways that are also classified as city streets under chapter 47.24 RCW, or county road as defined in RCW 46.04.150, with construction, maintenance, or utility work with a duration of 30 calendar days or more. A roadway 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. A roadway work zone 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.

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

(7) "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.

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) Any city or county may authorize the use of automated traffic safety cameras and must adopt an ordinance authorizing such use through its 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 to a new location 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 when identifying where to locate an automated traffic safety camera. The analysis must also show a demonstrated need for traffic cameras based on one or more of the following in the vicinity of the proposed camera location: Travel by vulnerable road users, evidence of vehicles speeding, rates of collision, reports showing near collisions, and 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. 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.

(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 must also post such restrictions and other automated traffic safety camera policies on the city's or county's website. 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's 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 January 1, 2026, 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 July 1, 2026, 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. All public transportation vehicles utilizing a vehicle-mounted system must post a sign on the rear of the vehicle indicating to drivers that the vehicle is equipped with an automated traffic safety camera to enforce bus stop zone violations.

(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 (17) 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 (17) of this section. If appropriate under the circumstances, a renter identified under subsection (17)(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, as specified in RCW 46.63.030(1)(d), 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. Transit authorities must provide to the appropriate local jurisdiction that has authorized traffic safety camera use under section 6(2) of this act any images or evidence collected establishing that a violation of stopping, standing, or parking in a bus stop zone has occurred for infraction processing purposes consistent with 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. If the contract between the city or county and manufacturer or vendor of the equipment does not provide for performance or quality control measures regarding camera images, the city or county must perform a performance audit of the manufacturer or vendor of the equipment every three years to review and ensure that images produced from automated traffic safety cameras are sufficient for evidentiary purposes as described in subsection (9) of this section.

(13)(a) Except as provided in (d) 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:

(i) Traffic safety activities related to construction and preservation projects and maintenance and operations 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, and changes to improve safety for active transportation users, including improvements to access and safety for road users with mobility, sight, or other disabilities; and

(ii) The cost to administer, install, operate, and maintain the automated traffic safety cameras, including the cost of processing infractions.

(b) Except as provided in (d) of this subsection:

(i) The automated traffic safety camera program revenue used by a county or city with a population of 10,000 or more for purposes described in (a)(i) of this subsection 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); and

(ii) The automated traffic safety camera program revenue used by a city or county with a population under 10,000 for traffic safety activities under (a)(i) of this subsection must be informed by the department of health's environmental health disparities map.

(c) Except as provided in (d) of this subsection, beginning four years after an automated traffic safety camera authorized under this section is initially placed and in use after the effective date of this section, 25 percent of the noninterest money received for infractions issued by such cameras in excess of the cost to

administer, install, operate, and maintain the cameras, including the cost of processing infractions, must be deposited into the Cooper Jones active transportation safety account created in RCW 46.68.480.

(d)(i)(A) Jurisdictions with an automated traffic safety camera program in effect before January 1, 2024, may continue to allocate revenue generated from automated traffic safety cameras authorized under sections 3 and 5(2)(c) of this act as determined by the jurisdiction, as well as for the purposes established in (a) through (c) of this subsection, by:

(I) Up to a 10 percent increase in the number of traffic safety camera locations authorized to detect violations for automated traffic safety cameras authorized under section 3 of this act; and

(II) Up to a 10 percent increase in the number of traffic safety camera locations authorized to detect violations for automated traffic safety cameras authorized under section 5(2)(c) of this act.

(B)(I) Any automated traffic safety camera program in effect before January 1, 2024, with fewer than 10 traffic safety camera locations for automated traffic safety cameras authorized under section 3 of this act, which adds automated traffic safety cameras to one additional location for the use of cameras authorized under section 3 of this act, may continue to allocate revenue generated from automated traffic safety cameras authorized under section 3 of this act as determined by the jurisdiction, as well as for the purposes established in (a) through (c) of this subsection.

(II) Any automated traffic safety camera program in effect before January 1, 2024, with fewer than 10 traffic safety camera locations for automated traffic safety cameras authorized under section 5(2)(c) of this act as of January 1, 2024, which adds automated traffic safety cameras to one additional location for the use of cameras authorized under section 5(2)(c) of this act, may continue to allocate revenue generated from automated traffic safety cameras authorized under section 5(2)(c) of this act as determined by the jurisdiction, as well as for the purposes established in (a) through (c) of this subsection.

(C) For the purposes of this subsection (13)(d)(i), a location is:

(I) An intersection for automated traffic safety cameras authorized under section 3 of this act where cameras authorized under section 3 of this act are in use; and

(II) A school speed zone for automated traffic safety cameras authorized under section 5(2)(c) of this act where cameras authorized under section 5(2)(c) of this act are in use.

(ii) The revenue distribution requirements under (a) through (c) of this subsection do not apply to automated traffic safety camera programs in effect before January 1, 2024, 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.

(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) Except as provided in this subsection, 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. Eligibility for medicaid under RCW 74.09.510 is not a qualifying criterion under this subsection. 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 $145, as adjusted for inflation by the office of financial management every five years, beginning January 1, 2029, based upon changes in the consumer price index during that time period, but may be doubled for a school speed zone infraction generated through the use of an automated traffic safety camera.

(17) If the registered owner of the vehicle is a rental car business, the issuing 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 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 railroad grade 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) Roadway work zones, except that a notice of infraction may only be issued if an automated traffic safety camera captures a speed violation when workers are present; 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 RWO to read as follows:

(1)(a) Subject to section 2 of this act and as limited in this subsection, automated traffic safety cameras may be used in cities with populations of more than 500,000 residents to detect one or more of the following violations:

(i) Stopping when traffic obstructed violations;

(ii) Stopping at intersection or crosswalk violations;

(iii) Public transportation only lane violations; or

(iv) Stopping or traveling in restricted lane violations.

(b) Use of automated traffic safety cameras as authorized in this subsection (1) is restricted to the following locations only: Intersections as described in section 3(2) of this act; railroad grade crossings; school speed zones; school walk zones; public park speed zones; hospital speed zones; and midblock on arterials. The use of such automated traffic safety cameras is further limited to the following:

(i) The portion of state and local roadways in downtown areas of the city used for office and commercial activities, as well as retail shopping and support services, and that may include mixed residential uses;

(ii) The portion of state and local roadways in areas in the city within one-half mile north of the boundary of the area described in (b)(i) of this subsection;

(iii) Portions of roadway systems in the city that travel into and out of (b)(ii) of this subsection that are designated by the Washington state department of transportation as noninterstate freeways for up to four miles; and

(iv) Portions of roadway systems in the city connected to the portions of the noninterstate freeways identified in (b)(iii) of this subsection that are designated by the Washington state department of transportation as arterial roadways for up to one mile from the intersection of the arterial roadway and the noninterstate freeway.

(2) Subject to section 2 of this act, automated traffic safety cameras may also be used in cities with a bus rapid transit corridor or routes to detect public transportation only lane violations.

(3) Subject to section 2 of this act, automated traffic safety cameras that are part of a public transportation vehicle-mounted system may be used by a transit authority within a county with a population of more than 1,500,000 residents to detect stopping, standing, or parking in bus stop zone violations if authorized by the local legislative authority with jurisdiction over the transit authority.

(4) Subject to section 2 of this act, and in consultation with the department of transportation, automated traffic safety cameras may be used to detect ferry queue violations under RCW 46.61.735.

(5) A transit authority may not take disciplinary action regarding a warning or infraction issued pursuant to subsections (1) through (3) of 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 as 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. 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 as designated by a city or county, has the authority to review infractions detected through the use of an automated school bus safety camera under RCW 46.63.180 and to issue notices of infraction consistent with RCW 46.63.180(1)(b). 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; 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 46.63.180 and 2013 c 306 s 716 are each amended to read as follows:

(1) School districts may install and operate automated school bus safety cameras on school buses to be used for the detection of violations of RCW 46.61.370(1) if the use of the cameras is approved by a vote of the school district board of directors. School districts are not required to take school buses out of service if the buses are not equipped with automated school bus safety cameras or functional automated safety cameras. Further, school districts shall be held harmless from and not liable for any criminal or civil liability arising under the provisions of this section.

(a) Automated school bus safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(b) A notice of infraction must be mailed to the registered owner of the vehicle within ((~~fourteen~~)) 14 days of the violation, or to the renter of a vehicle within ((~~fourteen~~)) 14 days of establishing the renter's name and address under subsection (2)(a)(i) of this section. The ((~~law enforcement officer issuing the~~)) notice of infraction ((~~shall~~)) must also include a certificate or facsimile of the notice, based upon inspection of photographs, microphotographs, or electronic images produced by an automated school bus 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 school bus safety camera may respond to the notice by mail.

(c) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) 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 (2) of this section. If appropriate under the circumstances, a renter identified under subsection (2)(a)(i) of this section is responsible for an infraction.

(d) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of ((~~law enforcement~~)) authorized city or county employees, as specified in RCW 46.63.030(1)(e), 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 may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(e) If a school district installs and operates an automated school bus safety camera 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. Further, any repair, replacement, or administrative work costs related to installing or repairing automated school bus safety cameras must be solely paid for by the manufacturer or vendor of the cameras. Before entering into a contract with the manufacturer or vendor of the equipment used under this subsection (1)(e), the school district must follow the competitive bid process as outlined in RCW 28A.335.190(1).

(f) Any revenue collected from infractions detected through the

use of automated school bus safety cameras, less the administration and operating costs of the cameras, must be remitted to school districts for school zone safety projects as determined by the school district using the automated school bus safety cameras. The administration and operating costs of the cameras includes infraction enforcement and processing costs that are incurred by local law enforcement or local courts. During the 2013-2015 fiscal biennium, the infraction revenue may also be used for school bus safety projects by those school districts eligible to apply for funding from the school zone safety account appropriation in section 201, chapter 306, Laws of 2013.

(2)(a) If the registered owner of the vehicle is a rental car business, the ((~~law enforcement~~)) issuing agency shall, before a notice of infraction is 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 ((~~eighteen~~)) 18 days of receiving the written notice, provide to the issuing agency by return mail:

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

(ii) 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 (2)(a)(ii) must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(iii) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

(b) Timely mailing of a statement under this subsection to the issuing ((~~law enforcement~~)) agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(3) For purposes of this section, "automated school bus safety camera" means a device that is affixed to a school bus that is synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a vehicle at the time the vehicle is detected for an infraction identified in RCW 46.61.370(1).

Sec. 10. 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. 11. 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~~)) section 2(13)(c) of this act and 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.

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."

On page 1, line 1 of the title, after "cameras;" strike the remainder of the title and insert "amending RCW 46.16A.120, 46.63.030, 46.63.180, 46.63.075, and 46.68.480; adding new sections to chapter 46.63 RCW; and repealing RCW 46.63.170."

MOTION

Senator Wilson, J. moved that the following floor amendment no. 857 by Senator Wilson, J. be adopted:

On page 2, line 33, after "authority." insert "Before any city or county may implement an ordinance adopted after the effective date of this section authorizing the use of traffic safety cameras, the ordinance must be approved by a majority of voters within the city or county's jurisdiction at the next special or general election."

Senator Wilson, J. spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 857 by Senator Wilson, J. on page 2, line 33 to striking floor amendment no. 803.

The motion by Senator Wilson, J. did not carry and floor amendment no. 857 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 852 by Senator Holy be adopted:

On page 4, line 5, after "incomes." insert "To the extent practicable, the commission must also provide in its annual report the number of traffic accidents, speeding violations, single vehicle accidents, pedestrian accidents, and driving under the influence violations that occurred at each location where an automated traffic safety camera is located in the five years before each camera's authorization and after each camera's authorization."

Senators Holy and Liias spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 852 by Senator Holy on page 4, line 5 to striking floor amendment no. 803.

The motion by Senator Holy carried and floor amendment no. 852 was adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 858 by Senator Wilson, J. be adopted:

Beginning on page 6, line 7, after "(13)" strike all material through "used." on page 8, line 16 and insert "Beginning on the effective date of this section, any noninterest money received for infractions issued by automated traffic safety cameras authorized under this act in excess of the cost to administer, install, operate, and maintain the cameras, including the cost of processing infractions, must be deposited into the motor vehicle fund."

On page 18, line 20, after "((~~RCW 46.63.170~~))" strike all material through "and"

Senator Wilson, J. spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 858 by Senator Wilson, J. on page 6, line 7 to striking floor amendment no. 803.

The motion by Senator Wilson, J. did not carry and floor amendment no. 858 was not adopted by voice vote.

MOTION

Senator Kauffman moved that the following floor amendment no. 848 by Senator Kauffman be adopted:

On page 8, line 11, after "through" strike "(c)" and insert "(d)(i)"

On page 8, line 28, after "amounts of" strike all material through "assessed" and insert "50 percent of what would otherwise be assessed for a first automated traffic safety camera violation and for subsequent automated traffic safety camera violations issued within 21 days of issuance of the first automated traffic safety camera violation"

Senator Kauffman spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 848 by Senator Kauffman on page 8, line 11 to Engrossed Substitute House Bill No. 2384.

The motion by Senator Kauffman carried and floor amendment no. 848 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 855 by Senator King be adopted:

On page 9, beginning on line 2, after "exceed" strike all material through "but" on line 4 and insert "the lesser of $48 or the lowest parking infraction fine amount within the jurisdiction. Such fine amount"

Senator King spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 855 by Senator King on page 9, line 2 to striking floor amendment no. 803 was withdrawn.

MOTION

Senator King moved that the following floor amendment no. 853 by Senator King be adopted:

On page 10, after line 32, insert the following:

"(4) The registered owner of a vehicle may only be issued a notice of infraction for a violation detected through the use of an automated traffic safety camera as authorized under this section if the vehicle is traveling at least five miles per hour or more in excess of the posted speed limit."

Senator King spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 853 by Senator King on page 10, line 32 to striking floor amendment no. 803 was withdrawn.

MOTION

Senator Fortunato moved that the following floor amendment no. 860 by Senator Fortunato be adopted:

On page 10, after line 32, 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."

Senator Fortunato spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 860 by Senator Fortunato on page 10, line 32 to striking floor amendment no. 803 was withdrawn.

MOTION

Senator Liias moved that the following floor amendment no. 868 by Senators Liias, Fortunato and Van De Wege be adopted:

On page 10, after line 32, 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 marked fire engine equipped with emergency lights and siren; or

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

Senator Liias spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 868 by Senators Liias, Fortunato and Van De Wege on page 10, after line 32 to striking floor amendment no. 803.

The motion by Senator Liias carried and floor amendment no. 868 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 854 by Senator King be adopted:

On page 11, after line 27, insert the following:

"(c) Use of automated traffic safety cameras to detect violations described under (a)(ii) of this subsection is restricted to no more than 30 intersections most likely to address prioritized traffic safety concerns related to such violations as determined by the jurisdiction."

Senator King spoke in favor of adoption of the amendment to the striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator King and without objection, floor amendment no. 854 by Senator King on page 11, line 27 to striking floor amendment no. 803 was withdrawn.

MOTION

Senator Wilson, J. moved that the following floor amendment no. 856 by Senator Wilson, J. be adopted:

Beginning on page 13, line 19, strike all of sections 8 and 9

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

On page 19, at the beginning of line 3, strike "46.63.030, 46.63.180,"

Senator Wilson, J. spoke in favor of adoption of the amendment to the striking amendment.

Senator Liias spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 856 by Senator Wilson, J. on page 13, line 19 to striking floor amendment no. 803.

The motion by Senator Wilson, J. did not carry and floor amendment no. 856 was not adopted by voice vote.

Senator Liias spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 803 by Senator Liias as amended to Engrossed Substitute House Bill No. 2384.

The motion by Senator Liias carried and striking floor amendment no. 803 as amended was adopted by voice vote.

MOTION

On motion of Senator Liias, the rules were suspended, Engrossed Substitute House Bill No. 2384 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Liias spoke in favor of passage of the bill.

Senators King, Muzzall and Holy spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2384.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2384 and the bill passed the Senate by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hasegawa, Hawkins, Holy, King, MacEwen, McCune, Mullet, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Van De Wege, Wagoner, Warnick, Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representative Goodman)

Concerning impaired driving.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Transportation be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 9.94A RCW to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative for driving under the influence if the offender:

(a) Does not have a prior conviction under RCW 46.61.520, 46.61.522, 46.61.502(6), or 46.61.504(6); and either

(b) Is convicted of felony driving while under the influence of intoxicating liquor, cannabis, or any drug under RCW 46.61.502(6)(a); or

(c) Is convicted of felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6)(a).

(2) A motion for a special drug offender sentencing alternative for driving under the influence may be made by the court, the offender, or the state if the midpoint of the standard sentence range is 26 months or less. If an offender has a higher midpoint, a motion for a special drug offender sentencing alternative for driving under the influence can only be made by joint agreement of the state and offender.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and:

(a) Impose a sentence equivalent to a prison-based alternative under RCW 9.94A.662, and subject to the same requirements and restrictions as are established in that section, if the low end of the standard sentence range is greater than 24 months; or

(b) Impose a sentence consisting of a residential treatment-based alternative consistent with this section if the low end of the standard sentence range is 24 months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either a risk assessment report or a substance use disorder screening report as provided in

RCW 9.94A.500, or both.

(b) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

(i) Whether the offender suffers from a substance use disorder;

(ii) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health; and

(iii) Whether the offender and the community will benefit from the use of the alternative.

(5) An offender who is eligible for a residential treatment-based alternative under this section shall be sentenced as follows:

(a) If necessary, an indeterminate term of confinement of no more than 30 days in a facility operated, licensed, or utilized under contract, by the county in order to facilitate direct transfer to a residential substance use disorder treatment facility;

(b) Treatment in a residential substance use disorder treatment program licensed or certified by the department of health for a period set by the court up to six months with treatment completion and continued care delivered in accordance with rules established by the department of health. In establishing rules pursuant to this subsection, the department of health must consider criteria established by the American society of addiction medicine;

(c) Twenty-four months of partial confinement to consist of 12 months work release followed by 12 months of home detention with electronic monitoring; and

(d) Twelve months of community custody.

(6)(a) During any period of partial confinement or community custody, the court shall impose treatment and other conditions as provided in RCW 9.94A.703 or as the court considers appropriate.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(c) The department shall, within available resources, make substance use disorder assessment and treatment services available to the offender.

(d) An offender sentenced to community custody under subsection (3)(a) of this section as part of the prison-based alternative or under subsection (3)(b) of this section as part of the residential treatment-based alternative may be required to pay $30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.

(7)(a) If the court imposes a sentence under subsection (3)(b) of this section, the treatment provider must send the treatment plan to the court within 30 days of the offender's arrival to the residential substance use disorder treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of treatment and schedule a treatment termination hearing for three months before the expiration of the term of community custody.

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements and recommendations regarding termination from treatment.

(8) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (7) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of partial confinement or community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(9)(a) The court may bring any offender sentenced under subsection (3)(a) or (b) of this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of partial confinement or community custody or order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of partial confinement or community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(c) An offender ordered to serve a term of total confinement under (b) of this subsection shall receive credit for any time previously served in total confinement or residential treatment under this section and shall receive 50 percent credit for any time previously served in partial confinement or community custody under this section.

(10) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program for driving under the influence under this section, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(11) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total or partial confinement.

(12) Costs of examinations and preparing the recommended service delivery plans under a special drug offender sentencing alternative for driving under the influence may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 71.24.580.

Sec. 2. RCW 9.94A.030 and 2022 c 231 s 11 are each amended to read as follows:

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

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

(6) "Community protection zone" means the area within 880 feet of the facilities and grounds of a public or private school.

(7) "Community restitution" means compulsory service,

without compensation, performed for the benefit of the community by the offender.

(8) "Confinement" means total or partial confinement.

(9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere, and any issued certificates of restoration of opportunity pursuant to RCW 9.97.020.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon. However, when a defendant is charged with a recidivist offense, "criminal history" includes a vacated prior conviction for the sole purpose of establishing that such vacated prior conviction constitutes an element of the present recidivist offense as provided in RCW 9.94A.640(4)(b) and 9.96.060(7)(c).

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter 9.68 RCW).

(15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(17) "Department" means the department of corrections.

(18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(20)(a) "Domestic violence" has the same meaning as defined in RCW 10.99.020.

(b) "Domestic violence" also means: (i) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one intimate partner by another intimate partner as defined in RCW 10.99.020; or (ii) physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault, sexual assault, or stalking, as defined in RCW 9A.46.110, of one family or household member by another family or household member as defined in RCW 10.99.020.

(21) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense who are eligible for the option under RCW 9.94A.660.

(22) "Drug offender sentencing alternative for driving under the influence" is a sentencing option available to persons convicted of felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6) who are eligible under section 1 of this act.

(23) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged

prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(((~~(23)~~))) (24) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(((~~(24)~~))) (25) "Electronic monitoring" means tracking the location of an individual through the use of technology that is capable of determining or identifying the monitored individual's presence or absence at a particular location including, but not limited to:

(a) Radio frequency signaling technology, which detects if the monitored individual is or is not at an approved location and notifies the monitoring agency of the time that the monitored individual either leaves the approved location or tampers with or removes the monitoring device; or

(b) Active or passive global positioning system technology, which detects the location of the monitored individual and notifies the monitoring agency of the monitored individual's location and which may also include electronic monitoring with victim notification technology that is capable of notifying a victim or protected party, either directly or through a monitoring agency, if the monitored individual enters within the restricted distance of a victim or protected party, or within the restricted distance of a designated location.

(((~~(25)~~))) (26) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(((~~(26)~~))) (27) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(((~~(27)~~))) (28) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(((~~(28)~~))) (29) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(((~~(29)~~))) (30) "Home detention" is a subset of electronic monitoring and means a program of partial confinement available to offenders wherein the offender is confined in a private residence 24 hours a day, unless an absence from the residence is approved, authorized, or otherwise permitted in the order by the court or other supervising agency that ordered home detention, and the offender is subject to electronic monitoring.

(((~~(30)~~))) (31) "Homelessness" or "homeless" means a condition where an individual lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

(a) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations;

(b) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) A private residence where the individual stays as a transient invitee.

(((~~(31)~~))) (32) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(((~~(32)~~))) (33) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age 14;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Sexual exploitation;

(p) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(q) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(r) Any other class B felony offense with a finding of sexual motivation;

(s) Any other felony with a deadly weapon verdict under RCW 9.94A.825;

(t) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(u)(i) A prior conviction for indecent liberties under RCW 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW

9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of 14; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(v) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was 10 years or more; provided that the out-of-state felony offense must be comparable to a felony offense under this title and Title 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(((~~(33)~~))) (34) "Nonviolent offense" means an offense which is not a violent offense.

(((~~(34)~~))) (35) "Offender" means a person who has committed a felony established by state law and is 18 years of age or older or is less than 18 years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanant or gross misdemeanant probationer ordered by a superior court to probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and supervised by the department pursuant to RCW 9.94A.501 and 9.94A.5011. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(((~~(35)~~))) (36) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention, electronic monitoring, or work crew has been ordered by the court or home detention has been ordered by the department as part of the parenting program or the graduated reentry program, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, electronic monitoring, and a combination of work crew, electronic monitoring, and home detention.

(((~~(36)~~))) (37) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Hate Crime (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person 18 years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(((~~(37)~~))) (38) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (((~~(37)~~))) (38)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was 16 years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was 18 years of age or older when the offender committed the offense.

(((~~(38)~~))) (39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW

28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority; or (iv) a teacher, counselor, volunteer, or other person in authority providing home-based instruction and the victim was a student receiving home-based instruction while under his or her authority or supervision. For purposes of this subsection: (A) "Home-based instruction" has the same meaning as defined in RCW 28A.225.010; and (B) "teacher, counselor, volunteer, or other person in authority" does not include the parent or legal guardian of the victim.

(((~~(39)~~))) (40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(((~~(40)~~))) (41) "Public school" has the same meaning as in RCW 28A.150.010.

(((~~(41)~~))) (42) "Recidivist offense" means a felony offense where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to:

(a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3);

(b) Cyber harassment, RCW 9A.90.120(2)(b)(i);

(c) Harassment, RCW 9A.46.020(2)(b)(i);

(d) Indecent exposure, RCW 9A.88.010(2)(c);

(e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii);

(f) Telephone harassment, RCW 9.61.230(2)(a); and

(g) Violation of a no-contact or protection order, RCW 7.105.450 or former RCW 26.50.110(5).

(((~~(42)~~))) (43) "Repetitive domestic violence offense" means any:

(a)(i) Domestic violence assault that is not a felony offense under RCW 9A.36.041;

(ii) Domestic violence violation of a no-contact order under chapter 10.99 RCW that is not a felony offense;

(iii) Domestic violence violation of a protection order under chapter 26.09, 26.26A, or 26.26B RCW or former chapter 26.50 RCW, or violation of a domestic violence protection order under chapter 7.105 RCW, that is not a felony offense;

(iv) Domestic violence harassment offense under RCW 9A.46.020 that is not a felony offense; or

(v) Domestic violence stalking offense under RCW 9A.46.110 that is not a felony offense; or

(b) Any federal, out-of-state, tribal court, military, county, or municipal conviction for an offense that under the laws of this state would be classified as a repetitive domestic violence offense under (a) of this subsection.

(((~~(43)~~))) (44) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(((~~(44)~~))) (45) "Risk assessment" means the application of the risk instrument recommended to the department by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(((~~(45)~~))) (46) "Serious traffic offense" means:

(a)(i) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502)((~~, nonfelony~~));

(ii) Nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504)((~~, reckless~~));

(iii) Reckless driving (RCW 46.61.500)((~~, or hit-and-run~~));

(iv) Negligent driving if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522 while under the influence of intoxicating liquor or any drug (RCW 46.61.5249);

(v) Reckless endangerment if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522 while under the influence of intoxicating liquor or any drug (RCW 9A.36.050); or

(vi) Hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(c) This definition applies for the purpose of a personal driver's license only and does not apply to violations related to a commercial motor vehicle under RCW 46.25.090.

(((~~(46)~~))) (47) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(((~~(47)~~))) (48) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.132;

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080;

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes; or

(v) A felony violation of RCW 9A.44.132(1) (failure to register as a sex offender) if the person has been convicted of violating RCW 9A.44.132(1) (failure to register as a sex offender) or 9A.44.130 prior to June 10, 2010, on at least one prior occasion;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(((~~(48)~~))) (49) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(((~~(49)~~))) (50) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(((~~(50)~~))) (51) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(((~~(51)~~))) (52) "Stranger" means that the victim did not know the offender 24 hours before the offense.

(((~~(52)~~))) (53) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for 24 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(((~~(53)~~))) (54) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(((~~(54)~~))) (55) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(((~~(55)~~))) (56) "Victim of domestic violence" means an intimate partner or household member who has been subjected to the infliction of physical harm or sexual and psychological abuse by an intimate partner or household member as part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over that intimate partner or household member. Domestic violence includes, but is not limited to, the offenses listed in RCW 10.99.020 and 26.50.010 committed by an intimate partner or household member against a victim who is an intimate partner or household member.

(((~~(56)~~))) (57) "Victim of sex trafficking, prostitution, or commercial sexual abuse of a minor" means a person who has been forced or coerced to perform a commercial sex act including, but not limited to, being a victim of offenses defined in RCW 9A.40.100, 9A.88.070, 9.68A.101, and the trafficking victims protection act of 2000, 22 U.S.C. Sec. 7101 et seq.; or a person who was induced to perform a commercial sex act when they were less than 18 years of age including but not limited to the offenses defined in chapter 9.68A RCW.

(((~~(57)~~))) (58) "Victim of sexual assault" means any person who is a victim of a sexual assault offense, nonconsensual sexual conduct, or nonconsensual sexual penetration and as a result suffers physical, emotional, financial, or psychological impacts. Sexual assault offenses include, but are not limited to, the offenses defined in chapter 9A.44 RCW.

(((~~(58)~~))) (59) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(((~~(59)~~))) (60) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(((~~(60)~~))) (61) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(((~~(61)~~))) (62) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 3. RCW 9.94A.190 and 2018 c 166 s 5 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state, or in home detention pursuant to RCW 9.94A.6551 or the graduated reentry program under RCW 9.94A.733. Except as provided in subsection (3) or (5) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county, or if home detention or work crew has been ordered by the court, in the residence of either the offender or a member of the offender's immediate family.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.589.

(4) Notwithstanding any other provision of this section, a sentence imposed pursuant to RCW 9.94A.660 or section 1 of this act which has a standard sentence range of over one year, regardless of length, shall be served in a facility or institution operated, or utilized under contract, by the state.

(5) Sentences imposed pursuant to RCW 9.94A.507 shall be served in a facility or institution operated, or utilized under contract, by the state.

Sec. 4. RCW 9.94A.501 and 2021 c 242 s 2 are each amended to read as follows:

(1) The department shall supervise the following offenders who are sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:

(a) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree;

(iii) Communication with a minor for immoral purposes; and

(iv) Violation of RCW 9A.44.132(2) (failure to register); and

(b) Offenders who have:

(i) A current conviction for a repetitive domestic violence offense where domestic violence has been pleaded and proven after August 1, 2011; and

(ii) A prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011.

(2) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.

(3) The department shall supervise every felony offender sentenced to community custody pursuant to RCW 9.94A.701 or 9.94A.702 whose risk assessment classifies the offender as one who is at a high risk to reoffend.

(4) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:

(a) Has a current conviction for a sex offense or a serious violent offense and was sentenced to a term of community custody pursuant to RCW 9.94A.701, 9.94A.702, or 9.94A.507;

(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;

(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;

(d) Has a current conviction for violating RCW 9A.44.132(1) (failure to register) and was sentenced to a term of community custody pursuant to RCW 9.94A.701;

(e)(i) Has a current conviction for a domestic violence felony offense where domestic violence has been pleaded and proven after August 1, 2011, and a prior conviction for a repetitive domestic violence offense or domestic violence felony offense where domestic violence was pleaded and proven after August 1, 2011. This subsection (4)(e)(i) applies only to offenses committed prior to July 24, 2015;

(ii) Has a current conviction for a domestic violence felony offense where domestic violence was pleaded and proven. The state and its officers, agents, and employees shall not be held criminally or civilly liable for its supervision of an offender under this subsection (4)(e)(ii) unless the state and its officers, agents, and employees acted with gross negligence;

(f) Was sentenced under RCW 9.94A.650, 9.94A.655, 9.94A.660, 9.94A.670, 9.94A.711, ((~~or~~)) 9.94A.695, or section 1 of this act;

(g) Is subject to supervision pursuant to RCW 9.94A.745; or

(h) Was convicted and sentenced under RCW 46.61.520 (vehicular homicide), RCW 46.61.522 (vehicular assault), RCW 46.61.502(6) (felony DUI), or RCW 46.61.504(6) (felony physical control).

(5) The department shall supervise any offender who is released by the indeterminate sentence review board and who was sentenced to community custody or subject to community custody under the terms of release.

(6) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under this section or RCW 9.94A.5011.

(7) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section or RCW 9.94A.5011.

(8) The period of time the department is authorized to supervise an offender under this section may not exceed the duration of community custody specified under RCW 9.94B.050, 9.94A.701 (1) through (9), or 9.94A.702, except in cases where the court has imposed an exceptional term of community custody under RCW 9.94A.535.

(9) The period of time the department is authorized to supervise an offender under this section may be reduced by the earned award of supervision compliance credit pursuant to RCW 9.94A.717.

Sec. 5. RCW 9.94A.505 and 2022 c 260 s 23 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) Section 1 of this act, relating to the drug offender sentencing alternative for driving under the influence;

(viii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(((~~(viii)~~))) (ix) RCW 9.94A.655, relating to the parenting sentencing alternative;

(((~~(ix)~~))) (x) RCW 9.94A.695, relating to the mental health sentencing alternative;

(((~~(x)~~))) (xi) RCW 9.94A.507, relating to certain sex offenses;

(((~~(xi)~~))) (xii) RCW 9.94A.535, relating to exceptional sentences;

(((~~(xii)~~))) (xiii) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(((~~(xiii)~~))) (xiv) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug;

(((~~(xiv)~~))) (xv) RCW 9.94A.711, relating to the theft or taking of a motor vehicle.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of 30 days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than 30 days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, and 9.94A.760.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the

statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The sentencing court shall not give the offender credit for any time the offender was required to comply with an electronic monitoring program prior to sentencing if the offender was convicted of one of the following offenses:

(a) A violent offense;

(b) Any sex offense;

(c) Any drug offense;

(d) Reckless burning in the first or second degree as defined in RCW 9A.48.040 or 9A.48.050;

(e) Assault in the third degree as defined in RCW 9A.36.031;

(f) Assault of a child in the third degree;

(g) Unlawful imprisonment as defined in RCW 9A.40.040; or

(h) Harassment as defined in RCW 9A.46.020.

(8) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(9) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter. "Crime-related prohibitions" may include a prohibition on the use or possession of alcohol or controlled substances if the court finds that any chemical dependency or substance abuse contributed to the offense.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 6. RCW 9.94A.525 and 2023 c 415 s 2 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are as follows:

The offender score is the sum of points accrued under this section rounded down to the nearest whole number.

(1)(a) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed "other current offenses" within the meaning of RCW 9.94A.589.

(b) For the purposes of this section, adjudications of guilt pursuant to Title 13 RCW which are not murder in the first or second degree or class A felony sex offenses may not be included in the offender score.

(2)(a) Class A and sex prior felony convictions shall always be included in the offender score.

(b) Class B prior felony convictions other than sex offenses shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ((~~ten~~)) 10 consecutive years in the community without committing any crime that subsequently results in a conviction.

(c) Except as provided in (e) of this subsection, class C prior felony convictions other than sex offenses shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without committing any crime that subsequently results in a conviction.

(d) Except as provided in (e) of this subsection, serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without committing any crime that subsequently results in a conviction.

(e) If the present conviction is felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)), all predicate crimes for the offense as defined by RCW 46.61.5055(14) shall be included in the offender score, and prior convictions for felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)) shall always be included in the offender score. All other convictions of the defendant shall be scored according to this section.

(f) Prior convictions for a repetitive domestic violence offense, as defined in RCW 9.94A.030, shall not be included in the offender score if, since the last date of release from confinement or entry of judgment and sentence, the offender had spent ((~~ten~~)) 10 consecutive years in the community without committing any crime that subsequently results in a conviction.

(g) This subsection applies to both prior adult convictions and prior juvenile adjudications.

(3) Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Federal convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law. Neither out-of-state or federal convictions which would have been presumptively adjudicated in juvenile court under Washington law may be included in the offender score unless they are comparable to murder in the first or second degree or a class A felony sex offense. If there is no clearly comparable offense under Washington law or the offense is one that is usually considered subject to exclusive federal jurisdiction, the offense shall be scored as a class C felony equivalent if it was a felony under the relevant federal statute.

(4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5)(a) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently or prior juvenile offenses for which sentences were served consecutively, whether those offenses shall be counted as one offense or as separate offenses using the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used. The current sentencing court may presume that such other prior offenses were not the same criminal conduct from sentences imposed on separate dates, or in separate counties or jurisdictions, or in separate complaints, indictments, or informations;

(ii) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all convictions or adjudications served concurrently as one offense. Use the conviction for the offense that yields the highest offender score.

(b) As used in this subsection (5), "served concurrently" means

that: (i) The latter sentence was imposed with specific reference to the former; (ii) the concurrent relationship of the sentences was judicially imposed; and (iii) the concurrent timing of the sentences was not the result of a probation or parole revocation on the former offense.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction which is scorable under subsection (1)(b) of this section.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), (12), or (13) of this section, count two points for each prior adult violent felony conviction and juvenile violent felony conviction which is scorable under subsection (1)(b) of this section, and one point for each prior adult nonviolent felony conviction.

(9) If the present conviction is for a serious violent offense, count three points for prior adult convictions and juvenile convictions which are scorable under subsection (1)(b) of this section for crimes in this category, two points for each prior adult and scorable juvenile violent conviction (not already counted), and one point for each prior adult nonviolent felony conviction.

(10) If the present conviction is for Burglary 1, count prior convictions as in subsection (8) of this section; however count two points for each prior Burglary 2 or residential burglary conviction.

(11) If the present conviction is for a felony traffic offense count two points for each prior conviction for Vehicular Homicide or Vehicular Assault; for each felony offense count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which is scorable under subsection (1)(b) of this section; for each serious traffic offense, other than those used for an enhancement pursuant to RCW 46.61.520(2), count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which is scorable under subsection (1)(b) of this section; count one point for each adult prior conviction for operation of a vessel while under the influence of intoxicating liquor or any drug; count one point for a deferred prosecution granted under chapter 10.05 RCW for a second or subsequent violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance.

(12) If the present conviction is for homicide by watercraft or assault by watercraft count two points for each adult prior conviction for homicide by watercraft or assault by watercraft; for each felony offense count one point for each adult prior conviction and 1/2 point for each juvenile prior conviction which would be scorable under subsection (1)(b) of this section; count one point for each adult prior conviction for driving under the influence of intoxicating liquor or any drug, actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, or operation of a vessel while under the influence of intoxicating liquor or any drug.

(13) If the present conviction is for manufacture of methamphetamine count three points for each adult prior manufacture of methamphetamine conviction. If the present conviction is for a drug offense and the offender has a criminal history that includes a sex offense or serious violent offense, count three points for each adult prior felony drug offense conviction. All other felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(14) If the present conviction is for Escape from Community Custody, RCW 72.09.310, count only adult prior escape convictions in the offender score. Count prior escape convictions as one point.

(15) If the present conviction is for Escape 1, RCW 9A.76.110, or Escape 2, RCW 9A.76.120, count adult prior convictions as one point and juvenile prior convictions which are scorable under subsection (1)(b) of this section as 1/2 point.

(16) If the present conviction is for Burglary 2 or residential burglary, count priors as in subsection (7) of this section; however, count two points for each prior Burglary 1 conviction, and two points for each prior Burglary 2 or residential burglary conviction.

(17) If the present conviction is for a sex offense, count priors as in subsections (7) through (11) and (13) through (16) of this section; however, count three points for each adult prior sex offense conviction and juvenile prior class A felony sex offense adjudication.

(18) If the present conviction is for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, count priors as in subsections (7) through (11) and (13) through (16) of this section; however, count three points for each adult prior sex offense conviction and juvenile prior sex offense conviction which is scorable under subsection (1)(b) of this section, excluding adult prior convictions for failure to register as a sex offender under RCW 9A.44.130 or 9A.44.132, which shall count as one point.

(19) If the present conviction is for an offense committed while the offender was under community custody, add one point. For purposes of this subsection, community custody includes community placement or postrelease supervision, as defined in chapter 9.94B RCW.

(20) If the present conviction is for Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2, count priors as in subsections (7) through (18) of this section; however count one point for prior convictions of Vehicle Prowling 2, and three points for each adult prior Theft 1 (of a motor vehicle), Theft 2 (of a motor vehicle), Possession of Stolen Property 1 (of a motor vehicle), Possession of Stolen Property 2 (of a motor vehicle), Theft of a Motor Vehicle, Possession of a Stolen Vehicle, Taking a Motor Vehicle Without Permission 1, or Taking a Motor Vehicle Without Permission 2 conviction.

(21) If the present conviction is for a felony domestic violence offense where domestic violence as defined in RCW 9.94A.030 was pleaded and proven, count priors as in subsections (7) through (20) of this section; however, count points as follows:

(a) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after August 1, 2011, for any of the following offenses: A felony violation of a no-contact or protection order (RCW 7.105.450 or former RCW 26.50.110), felony Harassment (RCW 9A.46.020(2)(b)), felony Stalking (RCW 9A.46.110(5)(b)), Burglary 1 (RCW 9A.52.020), Kidnapping 1 (RCW 9A.40.020), Kidnapping 2 (RCW 9A.40.030), Unlawful imprisonment (RCW 9A.40.040), Robbery 1 (RCW 9A.56.200), Robbery 2 (RCW 9A.56.210), Assault 1 (RCW 9A.36.011), Assault 2 (RCW 9A.36.021), Assault 3 (RCW 9A.36.031), Arson 1 (RCW 9A.48.020), or Arson 2 (RCW 9A.48.030);

(b) Count two points for each adult prior conviction where domestic violence as defined in RCW 9.94A.030 was pleaded and proven after July 23, 2017, for any of the following offenses: Assault of a child in the first degree, RCW 9A.36.120; Assault of a child in the second degree, RCW 9A.36.130; Assault of a child

in the third degree, RCW 9A.36.140; Criminal Mistreatment in the first degree, RCW 9A.42.020; or Criminal Mistreatment in the second degree, RCW 9A.42.030; and

(c) Count one point for each adult prior conviction for a repetitive domestic violence offense as defined in RCW 9.94A.030, where domestic violence as defined in RCW 9.94A.030, was pleaded and proven after August 1, 2011.

(22) The fact that a prior conviction was not included in an offender's offender score or criminal history at a previous sentencing shall have no bearing on whether it is included in the criminal history or offender score for the current offense. Prior convictions that were not counted in the offender score or included in criminal history under repealed or previous versions of the sentencing reform act shall be included in criminal history and shall count in the offender score if the current version of the sentencing reform act requires including or counting those convictions. Prior convictions that were not included in criminal history or in the offender score shall be included upon any resentencing to ensure imposition of an accurate sentence.

Sec. 7. RCW 9.94A.633 and 2021 c 242 s 4 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned by the court with up to ((~~sixty~~)) 60 days' confinement for each violation or by the department with up to ((~~thirty~~)) 30 days' confinement as provided in RCW 9.94A.737.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other community-based sanctions.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence set out in section 1 of this act, the offender may be sanctioned in accordance with that section.

(d) If the offender was sentenced under the parenting sentencing alternative set out in RCW 9.94A.655, the offender may be sanctioned in accordance with that section.

((~~(d)~~)) (e) If the offender was sentenced under the special sex offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

((~~(e)~~)) (f) If the offender was sentenced under the mental health sentencing alternative set out in RCW 9.94A.695, the offender may be sanctioned in accordance with that section.

((~~(f)~~)) (g) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

((~~(g)~~)) (h) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) The parole or probation of an offender who is charged with a new felony offense may be suspended and the offender placed in total confinement pending disposition of the new criminal charges if:

(a) The offender is on parole pursuant to RCW 9.95.110(1); or

(b) The offender is being supervised pursuant to RCW 9.94A.745 and is on parole or probation pursuant to the laws of another state.

Sec. 8. RCW 9.94A.6332 and 2021 c 242 s 5 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the drug offender sentencing alternative for driving under the influence, any sanctions shall be imposed by the department or the court pursuant to section 1 of this act.

(3) If the offender was sentenced under the special sex offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

(((~~3~~))) (4) If the offender was sentenced under the parenting sentencing alternative, any sanctions shall be imposed by the department or by the court pursuant to RCW 9.94A.655.

(((~~4~~))) (5) If the offender was sentenced under the mental health sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.695.

(((~~5~~))) (6) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(((~~6~~))) (7) If the offender was released pursuant to RCW 9.94A.730, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(((~~7~~))) (8) If the offender was sentenced pursuant to RCW 10.95.030(((~~3~~))) (2) or 10.95.035, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(((~~8~~))) (9) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

(((~~9~~))) (10) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

Sec. 9. RCW 9.94A.660 and 2021 c 215 s 102 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense for which the offender is currently or may be required to register pursuant to RCW 9A.44.130;

(d) The offender has no prior convictions in this state, and no prior convictions for an equivalent out-of-state or federal offense, for the following offenses during the following time frames:

(i) Robbery in the second degree that did not involve the use of a firearm and was not reduced from robbery in the first degree within seven years before conviction of the current offense; or

(ii) Any other violent offense within ((~~ten~~)) 10 years before conviction of the current offense;

(e) For a violation of the uniform controlled substances act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(f) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence; and

(g) The offender has not received a drug offender sentencing alternative under this section, or a drug offender sentencing alternative for driving under the influence under section 1 of this act, more than once in the prior ((~~ten~~)) 10 years before the current offense.

(2) A motion for a special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under RCW 9.94A.662 or a residential substance use disorder treatment-based alternative under RCW 9.94A.664. The residential substance use disorder treatment-based alternative is only available if the midpoint of the standard sentence range is ((~~twenty-six~~)) 26 months or less.

(4)(a) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a substance use disorder screening report as provided in RCW 9.94A.500.

(b) To assist the court in making its determination in domestic violence cases, the court shall order the department to complete a presentence investigation and a chemical dependency screening report as provided in RCW 9.94A.500, unless otherwise specifically waived by the court.

(5) If the court is considering imposing a sentence under the residential substance use disorder treatment-based alternative, the court may order an examination of the offender by the department. The examination must be performed by an agency licensed or certified by the department of health to provide substance use disorder services. The examination shall, at a minimum, address the following issues:

(a) Whether the offender suffers from a substance use disorder;

(b) ((~~Whether the substance use disorder is such that there is a probability that criminal behavior will occur in the future;~~

(~~c~~)) Whether effective treatment for the offender's substance use disorder is available from a provider that has been licensed or certified by the department of health, and where applicable, whether effective domestic violence perpetrator treatment is available from a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735; and

((~~(d)~~)) (c) Whether the offender and the community will benefit from the use of the alternative.

(6) When a court imposes a sentence of community custody under this section:

(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay ((~~thirty dollars~~)) $30 per month while on community custody to offset the cost of monitoring for alcohol or controlled substances, or in cases of domestic violence for monitoring with global positioning system technology for compliance with a no-contact order.

(b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and 9.94A.737.

(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard sentence range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for time previously served in total or partial confinement and inpatient treatment under this section, and shall receive ((~~fifty~~)) 50 percent credit for time previously served in community custody under this section.

(8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.

(9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

(10) The Washington state institute for public policy shall submit a report to the governor and the appropriate committees of the legislature by November 1, 2022, analyzing the effectiveness of the drug offender sentencing alternative in reducing recidivism among various offender populations. An additional report is due November 1, 2028, and every five years thereafter. The Washington state institute for public policy may coordinate with the department and the caseload forecast council in tracking data and preparing the report.

Sec. 10. RCW 9.94A.701 and 2021 c 242 s 6 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall, in addition to the other terms of the sentence, sentence the offender to community custody for three years:

(a) A sex offense not sentenced under RCW 9.94A.507; or

(b) A serious violent offense.

(2) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for ((~~eighteen~~)) 18 months when the court sentences the person to the custody of the

department for a violent offense that is not considered a serious violent offense.

(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:

(a) Any crime against persons under RCW 9.94A.411(2);

(b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;

(c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000; or

(d) A felony violation of RCW 9A.44.132(1) (failure to register) that is the offender's first violation for a felony failure to register.

(4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in:

(a) RCW 9.94A.660 and 9.94A.662 for a prison-based drug offender sentencing alternative;

(b) RCW 9.94A.660 and 9.94A.664 for a residential-based drug offender sentencing alternative;

(c) RCW 9.94A.662 and section 1(6) of this act for a prison-based drug offender sentencing alternative for driving under the influence; and

(d) Section 1 (5) and (6) of this act for a residential-based drug offender sentencing alternative for driving under the influence.

(5) If an offender is sentenced under the special sex offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.

(6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.

(7) If an offender is sentenced under the parenting sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.655.

(8) If the offender is sentenced under the mental health sentencing alternative, the court shall impose a term of community custody as provided in RCW 9.94A.695.

(9) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.

(10) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard sentence range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.

Sec. 11. RCW 10.05.010 and 2019 c 263 s 701 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution ((~~program~~)). The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial. A person charged with a misdemeanor or gross misdemeanor shall not be eligible for a deferred prosecution unless the court makes specific findings pursuant to RCW 10.05.020.

(2) A person charged with a ((~~traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, or a misdemeanor or gross misdemeanor domestic violence offense,~~)) violation of RCW 46.61.502 or 46.61.504 shall not be eligible for a deferred prosecution ((~~program~~)) unless the court makes specific findings pursuant to RCW 10.05.020. A person ((~~may not participate in a deferred prosecution program for a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW if he or she has participated in a deferred prosecution program for a prior traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW, and a person may not participate in a deferred prosecution program for a misdemeanor or gross misdemeanor domestic violence offense if he or she has participated in a deferred prosecution program for a prior domestic violence offense~~)) who petitions the court for the deferred prosecution and participates in the deferred prosecution under this chapter for his or her first violation of RCW 46.61.502 or 46.61.504 is eligible to petition the court for a second deferred prosecution for the person's next violation of RCW 46.61.502 or 46.61.504 when the person has no other prior convictions defined as a "prior offense" under RCW 46.61.5055. The person's first deferred prosecution shall not be considered a prior offense for the purpose of granting a second deferred prosecution. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution ((~~program~~)) unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution ((~~program~~)) more than once.

(4) A person is not eligible for a deferred prosecution ((~~program~~)) if the misdemeanor or gross misdemeanor domestic violence offense was originally charged as a felony offense in superior court.

(5) A person may petition a court for a second deferred prosecution while still under the jurisdiction of a court for the person's first deferred prosecution; however, the first deferred prosecution shall be revoked prior to the entry of the second deferred prosecution.

(6) A person may not be on two deferred prosecutions at the same time unless separate offenses are committed within seven days of each other and the person petitions to consolidate each offense into a single deferred prosecution.

(7) A person charged with a misdemeanor or gross misdemeanor for a violation of RCW 46.61.502 or 46.61.504 who does not participate in a deferred prosecution for his or her first violation of RCW 46.61.502 or 46.61.504 remains eligible to petition the court for a deferred prosecution pursuant to the terms of this section and specific findings made under RCW 10.05.020. Such person shall not be eligible for a deferred prosecution more than once.

Sec. 12. RCW 10.05.015 and 2019 c 263 s 702 are each amended to read as follows:

At the time of arraignment a person charged with a violation of RCW 46.61.502 or 46.61.504 or a misdemeanor or gross misdemeanor domestic violence offense may be given a statement by the court that explains the availability, operation, and effects of the deferred prosecution ((~~program~~)).

Sec. 13. RCW 10.05.020 and 2021 c 215 s 115 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by substance use disorders or mental ((~~problems~~)) health disorders or domestic violence behavior problems for which the person is in need of treatment and unless treated the probability of future recurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved ((~~substance use disorder treatment program~~))

behavioral health agency, approved for mental health services or substance use disorder services, as designated in chapter 71.24 RCW ((~~if the petition alleges a substance use disorder, by an approved mental health center if the petition alleges a mental problem,~~)) or by a state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 ((~~if the petition alleges a domestic violence behavior problem~~)).

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of ((~~social and health services~~)) children, youth, and families to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of ((~~social and health services~~)) children, youth, and families.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgment of his or her rights; (b) an acknowledgment and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgment that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who: (i) Sincerely believes that he or she is innocent of the charges; (ii) sincerely believes that he or she does not, in fact, suffer from ((~~alcoholism, drug addiction, mental problems~~)) a substance use disorder, a mental health disorder, or domestic violence behavior problems; or (iii) in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

(4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

Sec. 14. RCW 10.05.030 and 2023 c 102 s 17 are each amended to read as follows:

The arraigning judge upon consideration of the petition may continue the arraignment and refer such person for a diagnostic investigation and evaluation to:

(1) ((~~An approved substance use disorder treatment program~~)) A state-approved behavioral health agency, approved for substance use disorder services, as designated in chapter 71.24 RCW if the petition alleges a substance use disorder;

(2) ((~~An approved mental health center~~)) A state-approved behavioral health agency, approved for mental health services, as designated in chapter 71.24 RCW, if the petition alleges a mental ((~~problem~~)) health disorder;

(3) The department of ((~~social and health services~~)) children, youth, and families if the petition is brought under RCW 10.05.020(2); or

(4) An approved state-certified domestic violence treatment provider pursuant to RCW 43.20A.735 if the petition alleges a domestic violence behavior problem.

Sec. 15. RCW 10.05.040 and 2018 c 201 s 9005 are each amended to read as follows:

The program to which such person is referred, or the department of ((~~social and health services~~)) children, youth, and families if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

(1) Whether the person suffers from the problem described;

(2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;

(3) Whether extensive and long term treatment is required;

(4) Whether effective treatment or child welfare services for the person's problem are available; and

(5) Whether the person is ((~~amenable~~)): (a) Amenable to treatment as demonstrated by (i) completion of residential treatment; (ii) completion of a minimum of 18 hours of intensive outpatient treatment, for substance use disorder petitions; (iii) completion of a minimum of six mental health sessions, for mental health disorder petitions; or (iv) completion of a minimum of six domestic violence treatment sessions for domestic violence petitions; or (b) willing to cooperate with child welfare services. The requirement for completing a minimum number of sessions may be waived if the court finds good cause.

Sec. 16. RCW 10.05.050 and 2018 c 201 s 9006 are each amended to read as follows:

(1) The program, or the department of ((~~social and health services~~)) children, youth, and families if the petition is brought under RCW 10.05.020(2), shall make a written report to the court stating its findings and recommendations after the examination required by RCW 10.05.040. If its findings and recommendations support treatment or the implementation of a child welfare service plan, it shall also recommend a treatment or service plan setting out:

(a) The type;

(b) Nature;

(c) Length;

(d) A treatment or service time schedule; and

(e) Approximate cost of the treatment or child welfare services.

(2) In the case of a child welfare service plan, the plan shall be designed in a manner so that a parent who successfully completes the plan will not be likely to withhold the basic necessities of life from his or her child.

(3) The report with the treatment or service plan shall be filed

with the court and a copy given to the petitioner and petitioner's counsel. A copy of the treatment or service plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility, or the department of ((~~social and health services~~)) children, youth, and families if the petition is brought under RCW 10.05.020(2), making the written report shall append to the report a commitment by the treatment program or the department of ((~~social and health services~~)) children, youth, and families that it will provide the treatment or child welfare services in accordance with this chapter. The facility or the service provider shall agree to provide the court with a statement ((~~every three months for the first year and every six months for the second year~~)) monthly regarding (a) the petitioner's cooperation with the treatment or child welfare service plan proposed and (b) the petitioner's progress or failure in treatment or child welfare services. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment or services.

Sec. 17. RCW 10.05.060 and 2009 c 135 s 1 are each amended to read as follows:

If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the petitioner agrees to comply with its terms and conditions and agrees to pay the cost thereof, if able to do so, or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be filed with the court. If the charge be one that an abstract of the docket showing the charge, the date of the violation for which the charge was made, and the date of petitioner's acceptance is required to be sent to the department of licensing, an abstract shall be sent, and the department of licensing shall make an entry of the charge and of the petitioner's acceptance for deferred prosecution on the department's driving record of the petitioner. The entry is not a conviction for purposes of Title 46 RCW. Upon receipt of the abstract of the docket, the department shall issue notice that 45 days after receipt, the petitioner must apply for a probationary license in accordance with RCW 46.20.355, and the petitioner's driver's license shall be on probationary status for five years from the date of the violation that gave rise to the charge. The department shall maintain the record ((~~for ten years from date of entry of the order granting deferred prosecution~~)) consistent with the requirements of RCW 46.01.260.

Sec. 18. RCW 10.05.090 and 2010 c 269 s 10 are each amended to read as follows:

If a petitioner, who has been accepted for a deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the petitioner's treatment plan or any term or condition imposed in connection with the installation of an interlock or other device under RCW 46.20.720, the facility, center, institution, or agency administering the treatment or the entity administering the use of the device, shall immediately report such breach to the court, the prosecutor, and the petitioner or petitioner's attorney of record, together with its recommendation. The court upon receiving such a report shall hold a hearing to determine whether the petitioner should be removed from the deferred prosecution ((~~program~~)). At the hearing, evidence shall be taken of the petitioner's alleged failure to comply with the treatment plan or device installation and the petitioner shall have the right to present evidence on his or her own behalf. The court shall either order that the petitioner continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the court shall enter judgment pursuant to RCW 10.05.020 and, if the charge for which the deferred prosecution was granted was a misdemeanor or gross misdemeanor under Title 46 RCW, shall notify the department of licensing of the removal and entry of judgment.

Sec. 19. RCW 10.05.100 and 1998 c 208 s 2 are each amended to read as follows:

If a petitioner is subsequently convicted of a similar offense that was committed while the petitioner was in a deferred prosecution ((~~program~~)), upon notice the court shall remove the petitioner's docket from the deferred prosecution file and the court shall enter judgment pursuant to RCW 10.05.020.

Sec. 20. RCW 10.05.120 and 2019 c 263 s 705 are each amended to read as follows:

(1) Three years after receiving proof of successful completion of the ((~~two-year~~)) approved treatment ((~~program~~)) plan, and following proof to the court that the petitioner has complied with the conditions imposed by the court following successful completion of the ((~~two-year~~)) approved treatment ((~~program~~)) plan, but not before five years following entry of the order of deferred prosecution pursuant to a petition brought under RCW 10.05.020(1), the court shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home, the court shall dismiss the charges pending against the petitioner: PROVIDED, That in any case where the petitioner's parental rights have been terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan.

(((~~(3) When a deferred prosecution is ordered for a petition brought under RCW 10.05.020(1) involving a domestic violence behavior problem and the court has received proof that the petitioner has successfully completed the domestic violence treatment plan, the court shall dismiss the charges pending against the petitioner.~~)))

Sec. 21. RCW 10.05.140 and 2019 c 263 s 706 are each amended to read as follows:

(1) As a condition of granting a deferred prosecution petition for a violation of RCW 46.61.502 or 46.61.504, the court shall order that the petitioner shall not operate a motor vehicle upon the public highways without a valid operator's license and proof of liability insurance. The amount of liability insurance shall be established by the court at not less than that established by RCW 46.29.490. As a condition of granting a deferred prosecution petition on any ((~~alcohol-dependency~~)) substance use disorder-based case, the court shall also order the installation of an ignition interlock under RCW 46.20.720. The required periods of use of the interlock shall be not less than the periods provided for in RCW 46.20.720. As a condition of granting a deferred prosecution petition, the court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. To help ensure continued sobriety and reduce the likelihood of reoffense, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for ((~~alcoholism or drugs~~)) substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution ((~~program~~)) upon violation of the deferred prosecution order.

(2) As a condition of granting a deferred prosecution petition for a case involving a domestic violence behavior problem:

(a) The court shall order the petitioner not to possess firearms

and order the petitioner to surrender firearms under RCW 9.41.800; and

(b) The court may order the petitioner to make restitution and to pay costs as defined in RCW 10.01.160. In addition, to help ensure continued sobriety and reduce the likelihood of reoffense in co-occurring domestic violence and substance ((~~abuse~~)) use disorder or mental health disorder cases, the court may order reasonable conditions during the period of the deferred prosecution including, but not limited to, attendance at self-help recovery support groups for ((~~alcoholism or drugs~~)) substance use disorder, complete abstinence from alcohol and all nonprescribed mind-altering drugs, periodic urinalysis or breath analysis, and maintaining law-abiding behavior. The court may terminate the deferred prosecution ((~~program~~)) upon violation of the deferred prosecution order.

Sec. 22. RCW 10.05.150 and 2016 sp.s. c 29 s 527 are each amended to read as follows:

(1) A deferred prosecution ((~~program~~)) for ((~~alcoholism~~)) either substance use disorder or mental health co-occurring disorder shall be for a two-year period and shall include, but not be limited to, the following requirements:

(((~~(1)~~))) (a) Total abstinence from alcohol and all other nonprescribed mind-altering drugs;

(((~~(2) Participation in an intensive inpatient or intensive outpatient program in a state-approved substance use disorder treatment program;~~

~~(3) Participation in a minimum of two meetings per week of an alcoholism self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program;~~

~~(4) Participation in an alcoholism self-help recovery support group, as determined by the assessing agency, from the date of court approval of the plan to entry into intensive treatment;~~

~~(5) Not less than weekly approved outpatient counseling, group or individual, for a minimum of six months following the intensive phase of treatment;~~

~~(6) Not less than monthly outpatient contact, group or individual, for the remainder of the two-year deferred prosecution period;~~

~~(7) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician;~~

~~(8)~~))) (b) All treatment within the purview of this section shall occur within or be approved by a state-approved ((~~substance use disorder treatment program~~)) behavioral health agency as described in chapter ((~~70.96A~~)) 71.24 RCW;

(((~~(9)~~))) (c) Signature of the petitioner agreeing to the terms and conditions of the treatment program;

(d) Periodic, random urinalysis or breath analysis;

(e) If the petitioner fails to remain abstinent, a full substance use disorder reassessment and recommended treatment;

(f) No less than weekly approved outpatient counseling, whether group or individual, for a minimum of six months following the intensive phase of treatment;

(g) No less than monthly outpatient contact, whether group or individual, for the remainder of the two-year deferred prosecution period; and

(h) The decision to include the use of prescribed drugs, including disulfiram, as a condition of treatment shall be reserved to the treating facility and the petitioner's physician.

(2) A deferred prosecution for substance use disorder shall include the following requirements:

(a) Completion of an intensive outpatient treatment program or residential inpatient treatment program, depending on the severity of the diagnosis; and

(b) Participation in a minimum of two meetings per week of a substance use disorder self-help recovery support group, as determined by the assessing agency, for the duration of the treatment program.

(3) A deferred prosecution for mental health co-occurring disorder shall include the following requirements:

(a) Completion of the requirements described in subsection (2) of this section, or completion of an outpatient program as determined by the petitioner's diagnostic evaluation; and

(b) Completion of individual or group mental health services.

Sec. 23. RCW 10.05.155 and 2019 c 263 s 708 are each amended to read as follows:

A deferred prosecution ((~~program~~)) for domestic violence behavior, or domestic violence co-occurring with substance abuse or mental health, must include, but is not limited to, the following requirements:

(1) Completion of a risk assessment;

(2) Participation in the level of treatment recommended by the program as outlined in the current treatment plan;

(3) Compliance with the contract for treatment;

(4) Participation in any ancillary or co-occurring treatments that are determined to be necessary for the successful completion of the domestic violence intervention treatment including, but not limited to, mental health or substance use treatment;

(5) Domestic violence intervention treatment within the purview of this section to be completed with a state-certified domestic violence intervention treatment program;

(6) Signature of the petitioner agreeing to the terms and conditions of the treatment program;

(7) Proof of compliance with any active order to surrender weapons issued in this program or related civil protection orders or no-contact orders.

NEW SECTION. **Sec. 24.** A new section is added to chapter 10.05 RCW to read as follows:

A deferred prosecution for mental health disorder where the wrongful conduct did not involve, and was not caused by, alcohol, drugs, or a substance use disorder, shall include treatment recommended by a state-approved mental health provider.

Sec. 25. RCW 10.05.170 and 1991 c 247 s 2 are each amended to read as follows:

As a condition of granting deferred prosecution, the court may order supervision of the petitioner during the period of deferral and may levy a monthly assessment upon the petitioner as provided in RCW 10.64.120. In a jurisdiction with a probation department, the court may appoint the probation department to supervise the petitioner. In a jurisdiction without a probation department, the court may appoint an appropriate person or agency to supervise the petitioner. A supervisor appointed under this section shall be required to do at least the following:

(1) If the charge for which deferral is granted relates to operation of a motor vehicle, at least once every ((~~six~~)) three months request ((~~from the department of licensing~~)) an abstract of the petitioner's driving record; ((~~and~~))

(2) At least once every month make contact with the petitioner ((~~or with any agency to which the petitioner has been directed for treatment as a part of the deferral~~)) until treatment is completed;

(3) Review the petitioner's criminal history at a minimum of every 90 days until the end of the deferral period; and

(4) Report known violations of supervision or law and noncompliance with conditions of the deferred prosecution to the court within five business days or as soon as practicable.

Sec. 26. RCW 46.20.355 and 2020 c 330 s 8 are each amended to read as follows:

(1) Upon receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon receipt of a notice of conviction of RCW 46.61.502 or 46.61.504,

the department of licensing shall issue notice that 45 days after receipt, the person must apply for a probationary license, and order the person to surrender any nonprobationary Washington state driver's license that may be in his or her possession. ((~~The department shall revoke the license, permit, or privilege to drive of any person who fails to surrender it as required by this section for one year, unless the license has been previously surrendered to the department, a law enforcement officer, or a court, or the person has completed an affidavit of lost, stolen, destroyed, or previously surrendered license, such revocation to take effect thirty days after notice is given of the requirement for license surrender.~~))

(2) The department shall place a person's driving privilege in probationary status as required by RCW 10.05.060 or 46.61.5055 for a period of five years from the date the probationary status is required to go into effect.

(3) Following receipt of an abstract indicating a deferred prosecution has been granted under RCW 10.05.060, or upon reinstatement or reissuance of a driver's license suspended or revoked as the result of a conviction of RCW 46.61.502 or 46.61.504, the department shall require the person to obtain a probationary license in order to operate a motor vehicle in the state of Washington, except as otherwise exempt under RCW 46.20.025. The department shall not issue the probationary license unless the person is otherwise qualified for licensing, and the person must renew the probationary license on the same cycle as the person's regular license would have been renewed until the expiration of the five-year probationary status period imposed under subsection (2) of this section.

(4) If a person is eligible for full credit under RCW 46.61.5055(9)(b)(ii) and, by the date specified in the notice issued under RCW 46.20.245, has completed the requirements under RCW 46.20.311 and paid the fee under subsection (5) of this section, the department shall issue a probationary license on the date specified in the notice with no further action required of the person.

(5) For each original issue or renewal of a probationary license under this section, the department shall charge a fee of ((~~fifty dollars~~)) $50 in addition to any other licensing fees required. Except for when renewing a probationary license, the department shall waive the requirement to obtain an additional probationary license and the ((~~fifty dollar~~)) $50 fee if the person has a probationary license in his or her possession at the time a new probationary license is required.

(6) A probationary license shall enable the department and law enforcement personnel to determine that the person is on probationary status. The fact that a person's driving privilege is in probationary status or that the person has been issued a probationary license shall not be a part of the person's record that is available to insurance companies.

Sec. 27. RCW 46.20.385 and 2020 c 330 s 9 are each amended to read as follows:

(1)(a) Any person licensed under this chapter or who has a valid driver's license from another state, who is convicted of: (i) A violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance, or (ii) a violation of RCW 46.61.520(1)(a) or an equivalent local or out-of-state statute or ordinance, or (iii) a conviction for a violation of RCW 46.61.520(1) (b) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520(1)(a), or (iv) RCW 46.61.522(1)(b) or an equivalent local or out-of-state statute or ordinance, or (v) RCW 46.61.522(1) (a) or (c) if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522(1)(b) committed while under the influence of intoxicating liquor or any drug, or (vi) who has had or will have his or her license suspended, revoked, or denied under RCW 46.20.3101, or has had his or her license suspended, revoked, or denied under RCW 46.61.5055(11)(c)(i), or who is otherwise permitted under subsection (8) of this section, may submit to the department an application for an ignition interlock driver's license. The department, upon receipt of the prescribed fee and upon determining that the petitioner is eligible to receive the license, may issue an ignition interlock driver's license.

(b) A person may apply for an ignition interlock driver's license anytime, including immediately after receiving the notices under RCW 46.20.308 or after his or her license is suspended, revoked, or denied.

(c) An applicant under this subsection shall provide proof to the satisfaction of the department that a functioning ignition interlock device has been installed on all vehicles operated by the person.

(i) The department shall require the person to maintain the device on all vehicles operated by the person and shall restrict the person to operating only vehicles equipped with the device, for the remainder of the period of suspension, revocation, or denial, unless otherwise permitted under RCW 46.20.720(6).

(ii) Subject to any periodic renewal requirements established by the department under this section and subject to any applicable compliance requirements under this chapter or other law, an ignition interlock driver's license granted upon a suspension or revocation under RCW 46.61.5055 or 46.20.3101 extends through the remaining portion of any concurrent or consecutive suspension or revocation that may be imposed as the result of administrative action and criminal conviction arising out of the same incident.

(2) An applicant for an ignition interlock driver's license who qualifies under subsection (1) of this section is eligible to receive a license only if the applicant files satisfactory proof of financial responsibility under chapter 46.29 RCW.

(3) Upon receipt of evidence that a holder of an ignition interlock driver's license granted under this subsection no longer has a functioning ignition interlock device installed on all vehicles operated by the driver, the director shall give written notice by first-class mail to the driver that the ignition interlock driver's license shall be canceled. If at any time before the cancellation goes into effect the driver submits evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver, the cancellation shall be stayed. If the cancellation becomes effective, the driver may obtain, at no additional charge, a new ignition interlock driver's license upon submittal of evidence that a functioning ignition interlock device has been installed on all vehicles operated by the driver.

(4) A person aggrieved by the decision of the department on the application for an ignition interlock driver's license may request a hearing as provided by rule of the department.

(5) The director shall cancel an ignition interlock driver's license after receiving notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, no longer meets the eligibility requirements, or has been convicted of or found to have committed a separate offense or any other act or omission that under this chapter would warrant suspension or revocation of a regular driver's license. The department must give notice of the cancellation as provided under RCW 46.20.245. A person whose ignition interlock driver's license has been canceled under this section may reapply for a new ignition interlock driver's license if he or she is otherwise qualified under this section and pays the fee required under RCW 46.20.380.

(6)(a) Unless costs are waived by the ignition interlock company or the person is indigent under RCW 10.101.010, the applicant shall pay the cost of installing, removing, and leasing the ignition interlock device and shall pay an additional fee of

twenty-one dollars per month. Payments shall be made directly to the ignition interlock company. The company shall remit the additional fee to the department, except that the company may retain ((~~twenty-five~~)) 25 cents per month of the additional fee to cover the expenses associated with administering the fee.

(b) The department shall deposit the proceeds of the twenty-one dollar fee into the ignition interlock device revolving account. Expenditures from the account may be used only to administer and operate the ignition interlock device revolving account program. The department shall adopt rules to provide monetary assistance according to greatest need and when funds are available.

(7) The department shall adopt rules to implement ignition interlock licensing. The department shall consult with the administrative office of the courts, the state patrol, the Washington association of sheriffs and police chiefs, ignition interlock companies, and any other organization or entity the department deems appropriate.

(8)(a) Any person licensed under this chapter who is convicted of a violation of RCW 46.61.500 when the charge was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, may submit to the department an application for an ignition interlock driver's license under this section.

(b) A person who does not have any driver's license under this chapter, but who would otherwise be eligible under this section to apply for an ignition interlock license, may submit to the department an application for an ignition interlock license. The department may require the person to take any driver's licensing examination under this chapter and may require the person to also apply and qualify for a temporary restricted driver's license under RCW 46.20.391.

Sec. 28. RCW 46.20.720 and 2020 c 330 s 10 are each amended to read as follows:

(1) **Ignition interlock restriction.** The department shall require that a person may drive only a motor vehicle equipped with a functioning ignition interlock device:

(a) **Pretrial release.** Upon receipt of notice from a court that an ignition interlock device restriction has been imposed under RCW 10.21.055;

(b) **Ignition interlock driver's license.** As required for issuance of an ignition interlock driver's license under RCW 46.20.385;

(c) **Deferred prosecution.** Upon receipt of notice from a court that the person is participating in a deferred prosecution program under RCW 10.05.020 for a violation of:

(i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance; or

(ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person would be required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person in the event of a conviction;

(d) **Post conviction.** After any applicable period of mandatory suspension, revocation, or denial of driving privileges, or upon fulfillment of day-for-day credit under RCW 46.61.5055(9)(b)(ii) for a suspension, revocation, or denial of driving privileges:

(i) Due to a conviction of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local or out-of-state statute or ordinance; or

(ii) Due to a conviction of a violation of RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance if the person is required under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an ignition interlock device on all vehicles operated by the person; or

(e) **Court order.** Upon receipt of an order by a court having jurisdiction that a person charged or convicted of any offense involving the use, consumption, or possession of alcohol while operating a motor vehicle may drive only a motor vehicle equipped with a functioning ignition interlock. The court shall establish a specific alcohol set point at which the ignition interlock will prevent the vehicle from being started. The court shall also establish the period of time for which ignition interlock use will be required.

(2) **Alcohol set point.** Unless otherwise specified by the court for a restriction imposed under subsection (1)(e) of this section, the ignition interlock device shall have an alcohol set point that prevents the motor vehicle from being started when the breath sample provided has an alcohol concentration of 0.020 or more.

(3) **Duration of restriction.** A restriction imposed under:

(a) Subsection (1)(a) of this section shall remain in effect until:

(i) The court has authorized the removal of the device under RCW 10.21.055; or

(ii) The department has imposed a restriction under subsection (1)(b), (c), or (d) of this section arising out of the same incident.

(b) Subsection (1)(b) of this section remains in effect during the validity of any ignition interlock driver's license that has been issued to the person.

(c) Subsection (1)(c)(i) or (d)(i) of this section shall be for no less than:

(i) For a person who has not previously been restricted under this subsection, a period of one year;

(ii) For a person who has previously been restricted under (c)(i) of this subsection, a period of five years;

(iii) For a person who has previously been restricted under (c)(ii) of this subsection, a period of ((~~ten~~)) 10 years.

The restriction of a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who committed the offense while one or more passengers under the age of ((~~sixteen~~)) 16 were in the vehicle shall be extended for an additional period as required by RCW 46.61.5055(6)(a).

For purposes of determining a period of restriction for a person restricted pursuant to a conviction under (d) of this subsection, a restriction based on a deferred prosecution under subsection (1)(c) of this section arising out of the same incident is not considered a prior restriction for purposes of this subsection.

(d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for a period of no less than six months.

(e) The period of restriction under (c) or (d) of this subsection shall be extended by ((~~one hundred eighty~~)) 180 days whenever the department receives notice that the restricted person has been convicted under RCW 46.20.740 or 46.20.750. If the period of restriction under (c) or (d) of this subsection has been fulfilled and cannot be extended, the department must add a new ((~~one hundred eighty-day~~)) 180-day restriction that is imposed from the date of conviction and is subject to the requirements for removal under subsection (4) of this section.

(f) Subsection (1)(e) of this section shall remain in effect for the period of time specified by the court.

(g) The period of restriction under (c) and (d) of this subsection based on incidents occurring on or after June 9, 2016, must be tolled for any period in which the person does not have an ignition interlock device installed on a vehicle owned or operated by the person unless the person receives a determination from the department that the person is unable to operate an ignition interlock device due to a physical disability. For all drivers restricted under this section with incidents and restriction start dates prior to June 9, 2016, a driver may apply to waive the restriction by applying for a determination from the department

that the person is unable to operate an ignition interlock device due to a physical disability. The department's determination that a person is unable to operate an ignition interlock device must be reasonable and be based upon good and substantial evidence. This determination is subject to review by a court of competent jurisdiction. The department may charge a person seeking a medical exemption under this subsection a reasonable fee for the assessment.

(4) **Requirements for removal.** A restriction imposed under subsection (1)(c) or (d) of this section shall remain in effect until the department receives a declaration from the person's ignition interlock device vendor, in a form provided or approved by the department, certifying the following:

(a) That there have been none of the following incidents in the ((~~one hundred eighty~~)) 180 consecutive days prior to the date of release:

(i) Any attempt to start the vehicle with a breath alcohol concentration of 0.04 or more unless a subsequent test performed within ((~~ten~~)) 10 minutes registers a breath alcohol concentration lower than 0.04 and the digital image confirms the same person provided both samples;

(ii) Failure to take any random test unless a review of the digital image confirms that the vehicle was not occupied by the driver at the time of the missed test;

(iii) Failure to pass any random retest with a breath alcohol concentration of lower than 0.020 unless a subsequent test performed within ((~~ten~~)) 10 minutes registers a breath alcohol concentration lower than 0.020, and the digital image confirms the same person provided both samples;

(iv) Failure of the person to appear at the ignition interlock device vendor when required for maintenance, repair, calibration, monitoring, inspection, or replacement of the device; or

(v) Removal of the ignition interlock device by a person other than an ignition interlock technician certified by the Washington state patrol; and

(b) That the ignition interlock device was inspected at the conclusion of the ((~~one hundred eighty-day~~)) 180-day period by an ignition interlock technician certified by the Washington state patrol and no evidence was found that the device was tampered with in the manner described in RCW 46.20.750.

(5) **Day-for-day credit.** (a) The time period during which a person has an ignition interlock device installed in order to meet the requirements of subsection (1)(b) of this section shall apply on a day-for-day basis toward satisfying the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident.

(b) The department must also give the person a day-for-day credit for any time period, beginning from the date of the incident, during which the person kept an ignition interlock device installed on all vehicles the person operates, other than those subject to the employer exemption under subsection (6) of this section.

(c) If the day-for-day credit granted under this subsection equals or exceeds the period of time the ignition interlock device restriction is imposed under subsection (1)(c) or (d) of this section arising out of the same incident, and the person has already met the requirements for removal of the device under subsection (4) of this section, the department may waive the requirement that a device be installed or that the person again meet the requirements for removal.

(6) **Employer exemption.** (a) Except as provided in (b) of this subsection, the installation of an ignition interlock device is not necessary on vehicles owned, leased, or rented by a person's employer and on those vehicles whose care and/or maintenance is the temporary responsibility of the employer, and driven at the direction of a person's employer as a requirement of employment during working hours. The person must provide the department with a declaration pursuant to chapter 5.50 RCW from his or her employer stating that the person's employment requires the person to operate a vehicle owned by the employer or other persons during working hours. When the department receives a declaration under this subsection, it shall attach or imprint a notation on the person's driving record stating that the employer exemption applies.

(b) The employer exemption does not apply when the employer's vehicle is assigned exclusively to the restricted driver and used solely for commuting to and from employment.

(c) The employer exemption does not apply to a person who is self-employed unless the person's vehicle is used exclusively for the person's employment.

(7) **Ignition interlock device revolving account.** In addition to any other costs associated with the use of an ignition interlock device imposed on the person restricted under this section, the person shall pay an additional fee of ((~~twenty-one dollars~~)) $21 per month. Payments must be made directly to the ignition interlock company. The company shall remit the additional fee to the department to be deposited into the ignition interlock device revolving account, except that the company may retain ((~~twenty-five~~)) 25 cents per month of the additional fee to cover the expenses associated with administering the fee. The department may waive the monthly fee if the person is indigent under RCW 10.101.010.

(8) **Foreign jurisdiction.** For a person restricted under this section who is residing outside of the state of Washington, the department may accept verification of installation of an ignition interlock device by an ignition interlock company authorized to do business in the jurisdiction in which the person resides, provided the device meets any applicable requirements of that jurisdiction. The department may waive one or more requirements for removal under subsection (4) of this section if compliance with the requirement or requirements would be impractical in the case of a person residing in another jurisdiction, provided the person is in compliance with any equivalent requirement of that jurisdiction. The department may waive the monthly fee required by subsection (7) of this section if collection of the fee would be impractical in the case of a person residing in another jurisdiction.

Sec. 29. RCW 46.20.740 and 2020 c 330 s 11 are each amended to read as follows:

(1) The department shall attach or imprint a notation on the driving record of any person restricted under RCW 46.20.720, 46.61.5055, or 10.05.140 stating that the person may operate only a motor vehicle equipped with a functioning ignition interlock device. The department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an ignition interlock required under this section is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(2) It is a gross misdemeanor for a person with such a notation on his or her driving record to operate a motor vehicle that is not so equipped, unless the notation resulted from a restriction imposed as a condition of release and the restriction has been released by the court prior to driving. Any time a person is

convicted under this section, the court shall immediately notify the department for purposes of RCW 46.20.720(3)(e). It is an affirmative defense, which the defendant must prove by a preponderance of the evidence, that the employer exemption in RCW 46.20.720(6) applies. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(3) Any sentence imposed for a violation of subsection (2) of this section shall be served consecutively with any sentence imposed under RCW 46.20.750, 46.61.502, 46.61.504, or 46.61.5055.

Sec. 30. RCW 46.61.502 and 2022 c 16 s 40 are each amended to read as follows:

(1) A person is guilty of driving while under the influence of intoxicating liquor, cannabis, or any drug if the person drives a vehicle within this state:

(a) And the person has, within two hours after driving, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after driving, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor, cannabis, or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor, cannabis, and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state shall not constitute a defense against a charge of violating this section.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of alcohol after the time of driving and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of cannabis after the time of driving and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after driving. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged driving may be used as evidence that within two hours of the alleged driving, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by cannabis in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class B felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ((~~ten~~)) 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.504(6).

Sec. 31. RCW 46.61.5055 and 2020 c 330 s 15 are each amended to read as follows:

(1) **No prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has no prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ((~~twenty-four~~)) 24 consecutive hours nor more than ((~~three hundred sixty-four~~)) 364 days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(a)(i), the court, in its discretion, may order not less than ((~~fifteen~~)) 15 days of electronic home monitoring or a ((~~ninety-day~~)) 90-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device or other separate alcohol monitoring device to include an alcohol detection breathalyzer, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ((~~three hundred fifty dollars~~)) $350 nor more than ((~~five thousand dollars~~)) $5,000. ((~~Three hundred fifty dollars~~)) $350 of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ((~~forty-eight~~)) 48 consecutive hours nor more than ((~~three hundred sixty-four~~)) 364 days. In lieu of the mandatory minimum term of imprisonment required under this subsection (1)(b)(i), the court, in its discretion, may order not less than ((~~thirty~~)) 30 days of electronic home monitoring or a ((~~one hundred twenty-day~~)) 120-day period of 24/7 sobriety program monitoring. The court may consider the offender's pretrial 24/7 sobriety program testing as fulfilling a portion of posttrial sentencing. The offender shall pay the cost of electronic home monitoring. The county or municipality in which the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring

device to include an alcohol detection breathalyzer or other separate alcohol monitoring device, and the court may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ((~~five hundred dollars~~)) $500 nor more than ((~~five thousand dollars~~)) $5,000. ((~~Five hundred dollars~~)) $500 of the fine may not be suspended unless the court finds the offender to be indigent.

(2) **One prior offense in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has one prior offense within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ((~~thirty~~)) 30 days nor more than ((~~three hundred sixty-four~~)) 364 days and ((~~sixty~~)) 60 days of electronic home monitoring. Thirty days of imprisonment and ((~~sixty~~)) 60 days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory term of imprisonment and electronic home monitoring under this subsection (2)(a)(i), the court may order a minimum of either ((~~one hundred eighty~~)) 180 days of electronic home monitoring or a ((~~one hundred twenty-day~~)) 120-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ((~~five hundred dollars~~)) $500 nor more than ((~~five thousand dollars~~)) $5,000. ((~~Five hundred dollars~~)) $500 of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ((~~forty-five~~)) 45 days nor more than ((~~three hundred sixty-four~~)) 364 days and ((~~ninety~~)) 90 days of electronic home monitoring. Forty-five days of imprisonment and ((~~ninety~~)) 90 days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of imprisonment and electronic home monitoring under this subsection (2)(b)(i), the court may order a minimum of either six months of electronic home monitoring or a ((~~one hundred twenty-day~~)) 120-day period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court may consider the offender's pretrial 24/7 sobriety program monitoring as fulfilling a portion of posttrial sentencing. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ((~~seven hundred fifty dollars~~)) $750 nor more than ((~~five thousand dollars~~)) $5,000. ((~~Seven hundred fifty dollars~~)) $750 of the fine may not be suspended unless the court finds the offender to be indigent.

(3) **Two prior offenses in seven years.** Except as provided in RCW 46.61.502(6) or 46.61.504(6), a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 and who has two prior offenses within seven years shall be punished as follows:

(a) **Penalty for alcohol concentration less than 0.15.** In the case of a person whose alcohol concentration was less than 0.15, or for whom for reasons other than the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ((~~ninety~~)) 90 days nor more than ((~~three hundred sixty-four~~)) 364 days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and ((~~one hundred twenty~~)) 120 days of electronic home monitoring. Ninety days of imprisonment and ((~~one hundred twenty~~)) 120 days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ((~~ninety~~)) 90 days of imprisonment and ((~~one hundred twenty~~)) 120 days of electronic home monitoring, the court may order ((~~three hundred sixty~~)) 360 days of electronic home monitoring or a ((~~three hundred sixty-day~~)) 360-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The offender shall pay for the cost of the electronic monitoring. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ((~~one thousand dollars~~)) $1,000 nor more than ((~~five thousand dollars~~)) $5,000. ((~~One thousand~~

~~dollars~~)) $1,000 of the fine may not be suspended unless the court finds the offender to be indigent; or

(b) **Penalty for alcohol concentration at least 0.15.** In the case of a person whose alcohol concentration was at least 0.15, or for whom by reason of the person's refusal to take a test offered pursuant to RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(i) By imprisonment for not less than ((~~one hundred twenty~~)) 120 days nor more than ((~~three hundred sixty-four~~)) 364 days, if available in that county or city, a six-month period of 24/7 sobriety program monitoring pursuant to RCW 36.28A.300 through 36.28A.390, and ((~~one hundred fifty~~)) 150 days of electronic home monitoring. One hundred twenty days of imprisonment and ((~~one hundred fifty~~)) 150 days of electronic home monitoring may not be suspended or converted unless the court finds that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being. If the offender shows that the imposition of this mandatory minimum sentence would impose a substantial risk to the offender's physical or mental well-being, in lieu of the mandatory minimum term of ((~~one hundred twenty~~)) 120 days of imprisonment and ((~~one hundred fifty~~)) 150 days of electronic home monitoring, the court may order ((~~three hundred sixty~~)) 360 days of electronic home monitoring or a ((~~three hundred sixty-day~~)) 360-day period of 24/7 sobriety monitoring pursuant to RCW 36.28A.300 through 36.28A.390. Whenever the mandatory minimum sentence is suspended or converted, the court shall state in writing the reason for granting the suspension or conversion and the facts upon which the suspension or conversion is based. The offender shall pay for the cost of the electronic monitoring. The court shall order an expanded substance use disorder assessment and treatment, if deemed appropriate by the assessment. The county or municipality where the penalty is being imposed shall determine the cost. The court may also require the offender's electronic home monitoring device include an alcohol detection breathalyzer or other separate alcohol monitoring device, and may restrict the amount of alcohol the offender may consume during the time the offender is on electronic home monitoring; and

(ii) By a fine of not less than ((~~one thousand five hundred dollars~~)) $1,500 nor more than ((~~five thousand dollars~~)) $5,000. ((~~One thousand five hundred~~)) $1,500 dollars of the fine may not be suspended unless the court finds the offender to be indigent.

(4) **Three or more prior offenses in ((~~ten~~)) 15 years.** A person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished under chapter 9.94A RCW if:

(a) The person has three or more prior offenses within ((~~ten~~)) 15 years; or

(b) The person has ever previously been convicted of:

(i) A violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(ii) A violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of RCW 46.61.502(6) or 46.61.504(6).

(5) **Monitoring.** (a) **Ignition interlock device.** The court shall require any person convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance to comply with the rules and requirements of the department regarding the installation and use of a functioning ignition interlock device installed on all motor vehicles operated by the person.

(b) **Monitoring devices.** If the court orders that a person refrain from consuming any alcohol, the court may order the person to submit to alcohol monitoring through an alcohol detection breathalyzer device, transdermal sensor device, or other technology designed to detect alcohol in a person's system. The person shall pay for the cost of the monitoring, unless the court specifies that the cost of monitoring will be paid with funds that are available from an alternative source identified by the court. The county or municipality where the penalty is being imposed shall determine the cost.

(c) **24/7 sobriety program monitoring.** In any county or city where a 24/7 sobriety program is available and verified by the Washington association of sheriffs and police chiefs, the court shall:

(i) Order the person to install and use a functioning ignition interlock or other device in lieu of such period of 24/7 sobriety program monitoring;

(ii) Order the person to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section; or

(iii) Order the person to install and use a functioning ignition interlock or other device in addition to a period of 24/7 sobriety program monitoring pursuant to subsections (1) through (3) of this section.

(6) **Penalty for having a minor passenger in vehicle.** If a person who is convicted of a violation of RCW 46.61.502 or 46.61.504 committed the offense while one or more passengers under the age of ((~~sixteen~~)) 16 were in the vehicle, the court shall:

(a) Order the use of an ignition interlock or other device for an additional ((~~twelve~~)) 12 months for each passenger under the age of ((~~sixteen~~)) 16 when the person is subject to the penalties under subsection (1)(a), (2)(a), or (3)(a) of this section; and order the use of an ignition interlock device for an additional ((~~eighteen~~)) 18 months for each passenger under the age of ((~~sixteen~~)) 16 when the person is subject to the penalties under subsection (1)(b), (2)(b), (3)(b), or (4) of this section;

(b) In any case in which the person has no prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ((~~twenty-four~~)) 24 hours of imprisonment to be served consecutively for each passenger under the age of ((~~sixteen~~)) 16, and a fine of not less than ((~~one thousand dollars~~)) $1,000 and not more than ((~~five thousand dollars~~)) $5,000 for each passenger under the age of ((~~sixteen~~)) 16. ((~~One thousand dollars~~)) $1,000 of the fine for each passenger under the age of ((~~sixteen~~)) 16 may not be suspended unless the court finds the offender to be indigent;

(c) In any case in which the person has one prior offense within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional five days of imprisonment to be served consecutively for each passenger under the age of ((~~sixteen~~)) 16, and a fine of not less than ((~~two thousand dollars~~)) $2,000 and not more than ((~~five thousand dollars~~)) $5,000 for each passenger under the age of ((~~sixteen~~)) 16. One thousand dollars of the fine for each passenger under the age of ((~~sixteen~~)) 16 may not be suspended unless the court finds the offender to be indigent;

(d) In any case in which the person has two prior offenses within seven years, and except as provided in RCW 46.61.502(6) or 46.61.504(6), order an additional ten days of imprisonment to be served consecutively for each passenger under the age of ((~~sixteen~~)) 16, and a fine of not less than ((~~three thousand dollars~~)) $3,000 and not more than ((~~ten thousand dollars~~)) $10,000 for each passenger under the age of ((~~sixteen~~)) 16. ((~~One thousand dollars~~)) $1,000 of the fine for each passenger under the age of ((~~sixteen~~)) 16 may not be suspended unless the court finds the offender to be indigent.

(7) **Other items courts must consider while setting penalties.** In exercising its discretion in setting penalties within

the limits allowed by this section, the court shall particularly consider the following:

(a) Whether the person's driving at the time of the offense was responsible for injury or damage to another or another's property;

(b) Whether at the time of the offense the person was driving or in physical control of a vehicle with one or more passengers;

(c) Whether the driver was driving in the opposite direction of the normal flow of traffic on a multiple lane highway, as defined by RCW 46.04.350, with a posted speed limit of ((~~forty-five~~)) 45 miles per hour or greater; and

(d) Whether a child passenger under the age of ((~~sixteen~~)) 16 was an occupant in the driver's vehicle.

(8) **Treatment and information school.** An offender punishable under this section is subject to the substance use disorder assessment and treatment provisions of RCW 46.61.5056.

(9) **Driver's license privileges of the defendant.** (a) The license, permit, or nonresident privilege of a person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs must:

(i) **Penalty for alcohol concentration less than 0.15.** If the person's alcohol concentration was less than 0.15, or if for reasons other than the person's refusal to take a test offered under RCW 46.20.308 there is no test result indicating the person's alcohol concentration:

(A) Where there has been no prior offense within seven years, be suspended or denied by the department for ((~~ninety~~)) 90 days or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a ((~~ninety-day~~)) 90-day period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for fewer than two days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for two years or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a six-month period of 24/7 sobriety program monitoring. In no circumstances shall the license suspension be for less than one year; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for three years;

(ii) **Penalty for alcohol concentration at least 0.15.** If the person's alcohol concentration was at least 0.15:

(A) Where there has been no prior offense within seven years, be revoked or denied by the department for one year or until the person is evaluated by a substance use disorder agency or probation department pursuant to RCW 46.20.311 and the person completes or is enrolled in a one hundred twenty day period of 24/7 sobriety program monitoring. In no circumstances shall the license revocation be for fewer than four days;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for ((~~nine hundred~~)) 900 days; or

(C) Where there have been two or more prior offenses within seven years, be revoked or denied by the department for four years; or

(iii) **Penalty for refusing to take test.** If by reason of the person's refusal to take a test offered under RCW 46.20.308, there is no test result indicating the person's alcohol concentration:

(A) Where there have been no prior offenses within seven years, be revoked or denied by the department for two years;

(B) Where there has been one prior offense within seven years, be revoked or denied by the department for three years; or

(C) Where there have been two or more previous offenses within seven years, be revoked or denied by the department for four years.

(b)(i) The department shall grant credit on a day-for-day basis for a suspension, revocation, or denial imposed under this subsection (9) for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 arising out of the same incident.

(ii) If a person has already served a suspension, revocation, or denial under RCW 46.20.3101 for a period equal to or greater than the period imposed under this subsection (9), the department shall provide notice of full credit, shall provide for no further suspension or revocation under this subsection provided the person has completed the requirements under RCW 46.20.311 and paid the probationary license fee under RCW 46.20.355 by the date specified in the notice under RCW 46.20.245, and shall impose no additional reissue fees for this credit.

(c) Upon receipt of a notice from the court under RCW 36.28A.390 that a participant has been removed from a 24/7 sobriety program, the department must resume any suspension, revocation, or denial that had been terminated early under this subsection due to participation in the program, granting credit on a day-for-day basis for any portion of a suspension, revocation, or denial already served under RCW 46.20.3101 or this section arising out of the same incident.

(d) Upon its own motion or upon motion by a person, a court may find, on the record, that notice to the department under RCW 46.20.270 has been delayed for three years or more as a result of a clerical or court error. If so, the court may order that the person's license, permit, or nonresident privilege shall not be revoked, suspended, or denied for that offense. The court shall send notice of the finding and order to the department and to the person. Upon receipt of the notice from the court, the department shall not revoke, suspend, or deny the license, permit, or nonresident privilege of the person for that offense.

(e) For purposes of this subsection (9), the department shall refer to the driver's record maintained under RCW 46.52.120 when determining the existence of prior offenses.

(10) **Probation of driving privilege.** After expiration of any period of suspension, revocation, or denial of the offender's license, permit, or privilege to drive required by this section, the department shall place the offender's driving privilege in probationary status pursuant to RCW 46.20.355.

(11) **Conditions of probation.** (a) In addition to any nonsuspendable and nondeferrable jail sentence required by this section, whenever the court imposes up to ((~~three hundred sixty-four~~)) 364 days in jail, the court shall also suspend but shall not defer a period of confinement for a period not exceeding five years. The court shall impose conditions of probation that include: (i) Not driving a motor vehicle within this state without a valid license to drive; (ii) not driving a motor vehicle within this state without proof of liability insurance or other financial responsibility for the future pursuant to RCW 46.30.020; (iii) not driving or being in physical control of a motor vehicle within this state while having an alcohol concentration of 0.08 or more or a THC concentration of 5.00 nanograms per milliliter of whole blood or higher, within two hours after driving; (iv) not refusing to submit to a test of his or her breath or blood to determine alcohol or drug concentration upon request of a law enforcement officer who has reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or drug; and (v) not driving a motor vehicle in this state without a functioning ignition interlock device as required by the department under RCW 46.20.720. The court may impose conditions of probation that include nonrepetition, installation of an ignition interlock device on the probationer's motor vehicle, substance use disorder treatment, supervised probation, or other

conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of probation during the suspension period.

(b) For each violation of mandatory conditions of probation under (a)(i), (ii), (iii), (iv), or (v) of this subsection, the court shall order the convicted person to be confined for ((~~thirty~~)) 30 days, which shall not be suspended or deferred.

(c) ((~~For~~)) (i) Except as provided in (c)(ii) of this subsection, for each incident involving a violation of a mandatory condition of probation imposed under this subsection, the license, permit, or privilege to drive of the person shall be suspended by the court for ((~~thirty~~)) 30 days or, if such license, permit, or privilege to drive already is suspended, revoked, or denied at the time the finding of probation violation is made, the suspension, revocation, or denial then in effect shall be extended by ((~~thirty~~)) 30 days. The court shall notify the department of any suspension, revocation, or denial or any extension of a suspension, revocation, or denial imposed under this subsection. The person may apply for an ignition interlock driver's license under RCW 46.20.385 during the suspension period.

(ii) For each incident involving a violation of RCW 46.20.342(1)(c), the court has discretion not to impose a suspension when the person provides the court with proof that the violation has been cured within 30 days. The court is not required to notify the department of the violation unless it is not cured within 30 days.

(12) **Waiver of electronic home monitoring.** A court may waive the electronic home monitoring requirements of this chapter when:

(a) The offender does not have a dwelling, telephone service, or any other necessity to operate an electronic home monitoring system. However, if a court determines that an alcohol monitoring device utilizing wireless reporting technology is reasonably available, the court may require the person to obtain such a device during the period of required electronic home monitoring;

(b) The offender does not reside in the state of Washington; or

(c) The court determines that there is reason to believe that the offender would violate the conditions of the electronic home monitoring penalty.

Whenever the mandatory minimum term of electronic home monitoring is waived, the court shall state in writing the reason for granting the waiver and the facts upon which the waiver is based, and shall impose an alternative sentence with similar punitive consequences. The alternative sentence may include, but is not limited to, use of an ignition interlock device, the 24/7 sobriety program monitoring, additional jail time, work crew, or work camp.

Whenever the combination of jail time and electronic home monitoring or alternative sentence would exceed ((~~three hundred sixty-four~~)) 364 days, the offender shall serve the jail portion of the sentence first, and the electronic home monitoring or alternative portion of the sentence shall be reduced so that the combination does not exceed ((~~three hundred sixty-four~~)) 364 days.

(13) **Extraordinary medical placement.** An offender serving a sentence under this section, whether or not a mandatory minimum term has expired, may be granted an extraordinary medical placement by the jail administrator subject to the standards and limitations set forth in RCW 9.94A.728(1)(c).

(14) **Definitions.** For purposes of this section and RCW 46.61.502 and 46.61.504:

(a) A "prior offense" means any of the following:

(i) A conviction for a violation of RCW 46.61.502 or an equivalent local ordinance;

(ii) A conviction for a violation of RCW 46.61.504 or an equivalent local ordinance;

(iii) A conviction for a violation of RCW 46.25.110 or an equivalent local ordinance;

(iv) A conviction for a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(v) A conviction for a violation of RCW 79A.60.040(1) or an equivalent local ordinance committed in a reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 79A.60.040(2) or an equivalent local ordinance;

(vi) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed while under the influence of intoxicating liquor or any drug;

(vii) A conviction for a violation of RCW 47.68.220 or an equivalent local ordinance committed in a careless or reckless manner if the conviction is the result of a charge that was originally filed as a violation of RCW 47.68.220 or an equivalent local ordinance while under the influence of intoxicating liquor or any drug;

(viii) A conviction for a violation of RCW 46.09.470(2) or an equivalent local ordinance;

(ix) A conviction for a violation of RCW 46.10.490(2) or an equivalent local ordinance;

(x) A conviction for a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.520 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.520 committed while under the influence of intoxicating liquor or any drug;

(xi) A conviction for a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug, or a conviction for a violation of RCW 46.61.522 committed in a reckless manner or with the disregard for the safety of others if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.522 committed while under the influence of intoxicating liquor or any drug;

(xii) A conviction for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050 or an equivalent local ordinance, if the conviction is the result of a charge that was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xiii) An out-of-state conviction for a violation that would have been a violation of (a)(i), (ii), (x), (xi), or (xii) of this subsection if committed in this state;

(xiv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.502, 46.61.504, or an equivalent local ordinance;

(xv) A deferred prosecution under chapter 10.05 RCW granted in a prosecution for a violation of RCW 46.61.5249, or an equivalent local ordinance, if the charge under which the deferred prosecution was granted was originally filed as a violation of RCW 46.61.502 or 46.61.504, or an equivalent local ordinance, or of RCW 46.61.520 or 46.61.522;

(xvi) A deferred prosecution granted in another state for a violation of driving or having physical control of a vehicle while under the influence of intoxicating liquor or any drug if the out-of-state deferred prosecution is equivalent to the deferred prosecution under chapter 10.05 RCW, including a requirement that the defendant participate in a chemical dependency treatment program; or

(xvii) A deferred sentence imposed in a prosecution for a violation of RCW 46.61.5249, 46.61.500, or 9A.36.050, or an equivalent local ordinance, if the charge under which the deferred sentence was imposed was originally filed as a violation of RCW

46.61.502 or 46.61.504, or an equivalent local ordinance, or a violation of RCW 46.61.520 or 46.61.522;

If a deferred prosecution is revoked based on a subsequent conviction for an offense listed in this subsection (14)(a), the subsequent conviction shall not be treated as a prior offense of the revoked deferred prosecution for the purposes of sentencing;

(b) "Treatment" means substance use disorder treatment licensed or certified by the department of health;

(c) "Within seven years" means that the arrest for a prior offense occurred within seven years before or after the arrest for the current offense; and

(d) "Within ((~~ten~~)) 15 years" means that the arrest for a prior offense occurred within ((~~ten~~)) 15 years before or after the arrest for the current offense.

(15) All fines imposed by this section apply to adult offenders only.

Sec. 32. RCW 46.61.504 and 2022 c 16 s 42 are each amended to read as follows:

(1) A person is guilty of being in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug if the person has actual physical control of a vehicle within this state:

(a) And the person has, within two hours after being in actual physical control of the vehicle, an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has, within two hours after being in actual physical control of a vehicle, a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) While the person is under the influence of or affected by intoxicating liquor or any drug; or

(d) While the person is under the combined influence of or affected by intoxicating liquor and any drug.

(2) The fact that a person charged with a violation of this section is or has been entitled to use a drug under the laws of this state does not constitute a defense against any charge of violating this section. No person may be convicted under this section and it is an affirmative defense to any action pursuant to RCW 46.20.308 to suspend, revoke, or deny the privilege to drive if, prior to being pursued by a law enforcement officer, the person has moved the vehicle safely off the roadway.

(3)(a) It is an affirmative defense to a violation of subsection (1)(a) of this section which the defendant must prove by a preponderance of the evidence that the defendant consumed a sufficient quantity of alcohol after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's breath or blood to cause the defendant's alcohol concentration to be 0.08 or more within two hours after being in such control. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(b) It is an affirmative defense to a violation of subsection (1)(b) of this section, which the defendant must prove by a preponderance of the evidence, that the defendant consumed a sufficient quantity of cannabis after the time of being in actual physical control of the vehicle and before the administration of an analysis of the person's blood to cause the defendant's THC concentration to be 5.00 or more within two hours after being in control of the vehicle. The court shall not admit evidence of this defense unless the defendant notifies the prosecution prior to the omnibus or pretrial hearing in the case of the defendant's intent to assert the affirmative defense.

(4)(a) Analyses of blood or breath samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in such control, a person had an alcohol concentration of 0.08 or more in violation of subsection (1)(a) of this section, and in any case in which the analysis shows an alcohol concentration above 0.00 may be used as evidence that a person was under the influence of or affected by intoxicating liquor or any drug in violation of subsection (1)(c) or (d) of this section.

(b) Analyses of blood samples obtained more than two hours after the alleged being in actual physical control of a vehicle may be used as evidence that within two hours of the alleged being in control of the vehicle, a person had a THC concentration of 5.00 or more in violation of subsection (1)(b) of this section, and in any case in which the analysis shows a THC concentration above 0.00 may be used as evidence that a person was under the influence of or affected by cannabis in violation of subsection (1)(c) or (d) of this section.

(5) Except as provided in subsection (6) of this section, a violation of this section is a gross misdemeanor.

(6) It is a class C felony punishable under chapter 9.94A RCW, or chapter 13.40 RCW if the person is a juvenile, if:

(a) The person has three or more prior offenses within ((~~ten~~)) 15 years as defined in RCW 46.61.5055; or

(b) The person has ever previously been convicted of:

(i) Vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a);

(ii) Vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b);

(iii) An out-of-state offense comparable to the offense specified in (b)(i) or (ii) of this subsection; or

(iv) A violation of this subsection (6) or RCW 46.61.502(6).

NEW SECTION. **Sec. 33.** 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. 34.** This act takes effect January 1, 2026."

On page 1, line 1 of the title, after "driving;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.190, 9.94A.501, 9.94A.505, 9.94A.525, 9.94A.633, 9.94A.6332, 9.94A.660, 9.94A.701, 10.05.010, 10.05.015, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 10.05.060, 10.05.090, 10.05.100, 10.05.120, 10.05.140, 10.05.150, 10.05.155, 10.05.170, 46.20.355, 46.20.385, 46.20.720, 46.20.740, 46.61.502, 46.61.5055, and 46.61.504; adding a new section to chapter 9.94A RCW; adding a new section to chapter 10.05 RCW; providing an effective date; and prescribing penalties."

MOTION

Senator Lovelett moved that the following floor amendment no. 810 by Senator Lovelett be adopted:

On page 78, after line 5, insert the following:

"NEW SECTION. **Sec. 33.** A new section is added to chapter 46.61 RCW to read as follows:

(1) Any law enforcement agency utilizing oral fluid roadside information as part of the enforcement of driving under the influence laws must ensure the following:

(a) The oral fluid test instrument or instruments to be used are valid and reliable;

(b) Any peace officer who may administer an oral fluid test is properly trained in the administration of the test;

(c) Prior to administering the test, the administering peace officer advises the subject of the following information:

(i) The test is voluntary, and does not constitute compliance with the implied consent requirement of RCW 46.20.308;

(ii) Test results may not be used against the person in a court of law; and

(iii) Submission to the test is not an alternative to any evidentiary breath or blood test; and

(d) The law enforcement agency establishes policies to protect personally identifying information from unnecessary and improper dissemination including, but not limited to:

(i) Destruction of biological samples from oral fluid tests as soon as practicable after collection of test results; and

(ii) Prohibitions against entering DNA samples or results from such tests into any database.

(2) Any law enforcement agency administering an oral fluid roadside test as authorized in this section or section 1 of this act is strictly liable for (a) any failure to destroy biological samples from such tests within 24 hours or (b) unlawful entry of DNA samples or results from such tests into any database."

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

On page 78, line 18, after "10.05 RCW;" insert "adding a new section to chapter 46.61 RCW;"

Senators Lovelett and Padden spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 810 by Senator Lovelett on page 78, after line 5 to the committee striking amendment.

The motion by Senator Lovelett carried and floor amendment no. 810 was adopted by voice vote.

MOTION

Senator Rivers moved that the following floor amendment no. 861 by Senator Rivers be adopted:

On page 78, after line 5, insert the following:

"NEW SECTION. **Sec. 33.** A new section is added to chapter 46.16A RCW to read as follows:

(1) The department shall create and issue license plates, for display at the front and rear of a motor vehicle, available for persons convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance. Both front and rear license plates shall be fluorescent yellow but otherwise conform to the standards described within this chapter. If the vehicle is a motorcycle or moped, only one vehicle license number plate shall be issued.

(2) A person issued a license plate under subsection (1) of this section is responsible for any fees and taxes required by law. Such fees shall be deposited in the motor vehicle fund.

(3) The state may seek restitution for the costs associated with obtaining and issuing a license plate under subsection (1) of this section to a person required to display a fluorescent yellow license plate pursuant to section 34 of this act.

NEW SECTION. **Sec. 34.** A new section is added to chapter 46.20 RCW to read as follows:

(1) The department shall require that, after any applicable period of suspension, revocation, or denial of driving privileges, a person may drive only a motor vehicle equipped with fluorescent yellow license plates as described in section 33 of this act if the person is convicted of a violation of RCW 46.61.502 or 46.61.504 or an equivalent local ordinance.

(2) The display of fluorescent yellow license plates is not necessary on vehicles owned by a person's employer and driven as a requirement of employment during working hours.

(3) The period of time of the restriction under this section is one year.

NEW SECTION. **Sec. 35.** A new section is added to chapter 46.20 RCW to read as follows:

A person who is restricted to the use of a motor vehicle equipped with fluorescent yellow license plates and who knowingly disguises or obscures the color of the license plates is guilty of a gross misdemeanor."

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

On page 78, line 18, after "10.05 RCW;" insert "adding a new section to chapter 46.16A RCW; adding new sections to chapter 46.20 RCW;"

Senator Rivers spoke in favor of adoption of the amendment to the committee striking amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 861 by Senator Rivers on page 78, line 5 to the committee striking amendment was withdrawn.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Transportation to Engrossed Substitute House Bill No. 1493.

The motion by Senator Dhingra carried and the committee striking amendment was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Engrossed Substitute House Bill No. 1493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1493.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1493 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2396, by House Committee on Health Care & Wellness (originally sponsored by Representatives Mosbrucker, Davis, Couture, Rule, Barkis, Jacobsen, and Pollet)

Concerning fentanyl and other synthetic opioids.

The measure was read the second time.

MOTION

Senator Robinson moved that the following floor amendment no. 813 by Senator Robinson be adopted:

On page 2, beginning on line 28, after "the" strike all material through "and" on line 30 and insert "department of health, in consultation with"

On page 2, beginning on line 33, after "the" strike all material through "chiefs" on line 34 and insert "department of health"

Senator Robinson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 813 by Senator Robinson on page 2, line 28 to Substitute House Bill No. 2396.

The motion by Senator Robinson carried and floor amendment no. 813 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2396.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2396 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2072, by House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Farivar, Taylor, Ryu, Reeves, Slatter, Reed, Ormsby, Ramel, Macri, Goodman, Fosse, Riccelli, and Hackney)

Concerning penalties relating to antitrust actions.

The measure was read the second time.

MOTION

On motion of Senator Trudeau, the rules were suspended, Substitute House Bill No. 2072 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Trudeau spoke in favor of passage of the bill.

Senator Padden spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2072.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2072 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Hunt, Kauffman, Keiser, Kuderer, Liias, Lovelett, Lovick, Mullet, Nguyen, Nobles, Pedersen, Randall, Robinson, Saldaña, Salomon, Shewmake, Stanford, Trudeau, Valdez, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Dozier, Fortunato, Gildon, Hawkins, Holy, King, MacEwen, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Torres, Wagoner, Warnick, Wilson, J. and Wilson, L.

SUBSTITUTE HOUSE BILL NO. 2072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, by House Committee on Consumer Protection & Business (originally sponsored by Representatives Walen, Goodman, Leavitt, Ramel, Peterson, Fitzgibbon, Macri, Simmons, Reeves, Thai, Gregerson, Stonier, Pollet, Kloba, Santos, and Ormsby)

Concerning the sale of cosmetics tested on animals.

The measure was read the second time.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Substitute House Bill No. 1097 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stanford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1097.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1097 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Warnick,

Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Wagoner

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1205, by House Committee on Appropriations (originally sponsored by Representatives Taylor, Reed, and Senn)

Responsibility for providing service by publication of a summons or notice in dependency and termination of parental rights cases.

The measure was read the second time.

MOTION

Senator Dhingra moved that the following committee striking amendment by the Committee on Law & Justice be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.080 and 2000 c 122 s 9 are each amended to read as follows:

(1) The court shall direct the ((~~clerk~~)) petitioner to publish notice in a legal newspaper ((~~printed in the county, qualified to publish summons~~)), as described under RCW 65.16.020, once a week for three consecutive weeks, with the first publication of the notice to be at least twenty-five days prior to the date fixed for the hearing when it appears by the petition or verified statement that:

(a)(i) The parent or guardian is a nonresident of this state; or

(ii) The name or place of residence or whereabouts of the parent or guardian is unknown; and

(b) After due diligence, the person attempting service of the summons or notice provided for in RCW 13.34.070 has been unable to make service, and a copy of the notice has been deposited in the post office, postage prepaid, directed to such person at his or her last known place of residence. If the parent, guardian, or legal custodian is believed to be a resident of another state or a county other than the county in which the petition has been filed, notice also shall be published in the county in which the parent, guardian, or legal custodian is believed to reside.

(2) Publication may proceed simultaneously with efforts to provide service in person or by mail, when the court determines there is reason to believe that service in person or by mail will not be successful. Notice shall be directed to the parent, parents, or other person claiming the right to the custody of the child, if their names are known. If their names are unknown, the phrase "To whom it may concern" shall be used, apply to, and be binding upon, those persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the petition, the date of hearing, and the object of the proceeding in general terms shall be set forth. There shall be filed with the clerk an affidavit showing due publication of the notice. ((~~The~~))

(3)(a) Except as provided in (b) of this subsection, the cost of publication shall be paid by the ((~~county~~)) petitioner at a rate not greater than the rate paid for other legal notices.

(b) If the petitioner is a minor child or the court finds that the petitioner is an indigent parent or legal guardian, the cost of publication shall be paid or reimbursed by the office of civil legal aid where the petitioner is a minor child, or the office of public defense where the petitioner is a parent or legal guardian, pursuant to procedures set by each agency.

(4) The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

NEW SECTION. **Sec. 2.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

NEW SECTION. **Sec. 3.** This act takes effect January 1, 2025."

On page 1, line 3 of the title, after "cases;" strike the remainder of the title and insert "amending RCW 13.34.080; creating a new section; and providing an effective date."

MOTION

Senator Dhingra moved that the following floor amendment no. 711 by Senator Dhingra be adopted:

On page 2, line 19, after "January" strike "1, 2025" and insert "31, 2026"

Senator Dhingra spoke in favor of adoption of the amendment to the committee striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 711 by Senator Dhingra on page 2, line 19 to the committee striking amendment.

The motion by Senator Dhingra carried and floor amendment no. 711 was adopted by voice vote.

Senator Dhingra spoke in favor of adoption of the committee striking amendment as amended.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to Second Substitute House Bill No. 1205.

The motion by Senator Dhingra carried and the committee striking amendment as amended was adopted by voice vote.

MOTION

On motion of Senator Dhingra, the rules were suspended, Second Substitute House Bill No. 1205 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Dhingra and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Second Substitute House Bill No. 1205.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1205 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner,

Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

SECOND SUBSTITUTE HOUSE BILL NO. 1205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2000, by House Committee on Appropriations (originally sponsored by Representatives Mena, Berry, Ramel, Low, Walen, Ryu, Timmons, Reed, Cheney, Nance, Cortes, Santos, and Hackney)

Renewing Washington's international leadership.

The measure was read the second time.

MOTION

Senator Stanford moved that the following committee striking amendment by the Committee on Business, Financial Services, Gaming & Trade be not adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.290 RCW to read as follows:

(1) The office of international relations and protocol shall develop a strategic international engagement plan to guide Washington's international economic development and engagement consistent with RCW 43.290.005. The plan must create a common framework for the state's engagement in international activities, to include: Trade missions, economic development, and interpersonal knowledge exchanges.

(2) The office may consult with entities relevant to Washington's international presence when developing the strategic plan, including: Associate development organizations, business and civic organizations, consular officials, executive and small cabinet agencies, institutions of higher education, immigration and labor organizations, public ports, state offices, and private and nonprofit organizations.

(3) The office may utilize the resources of Results Washington for technical and operational assistance in developing the strategic plan.

(4) The office must complete an initial strategic plan by July 1, 2025. This strategic plan shall undergo periodic review to measure progress and outcomes at least every two and a half years thereafter, and it shall be fully updated at least every five years thereafter.

Sec. 2. RCW 43.290.005 and 1991 c 24 s 1 are each amended to read as follows:

The legislature finds that it is in the public interest to create an office of international relations and protocol in order to: Make international relations and protocol ((~~a broad-based,~~)) focused((~~,~~)) and functional ((~~part of~~)) across state government; provide leadership in state government with respect to international relations and assist the legislature and state elected officials with international issues affecting the state; establish coordinated methods for responding to foreign governments and institutions seeking cooperative activities with and within Washington; coordinate and improve communication and resource sharing among various state offices, agencies, and educational institutions with international programs; develop and promote state policies that increase international ((~~literacy~~)) engagement and cross-cultural understanding among Washington state's citizens; expand Washington state's international cooperation role in ((~~such~~)) vital areas ((~~as the environment, education, science, culture, and sports~~)) of public policy, including but not limited to economic development, trade and industry, and tourism and sports, as well as education, culture, science, and resilience; ((~~establish coordinated methods for responding to the increasing number of inquiries by foreign governments and institutions seeking cooperative activities within Washington state; provide leadership in state government on international relations and assistance to the legislature and state elected officials on international issues affecting the state;~~)) and assist with multistate international efforts((~~; and coordinate and improve communication and resource sharing among various state offices, agencies, and educational institutions with international programs~~)).

It is the purpose of this chapter to bring these functions together in a new office under the office of the governor in order to establish a visible, coordinated, and comprehensive approach to international relations and protocol.

Sec. 3. RCW 43.290.020 and 1991 c 24 s 4 are each amended to read as follows:

The office of international relations and protocol may:

(1) Create ((~~temporary~~)) advisory committees as necessary to ((~~deal with specific international issues~~)) execute its responsibilities. The duration and composition of such advisory committees may be determined by the office. Advisory committee representation may include statewide elected officials from the executive branch, or their designees, as well as representatives of the legislative branch and the judiciary. Representation may also include external organizations such as ((~~the Seattle consular corps,~~)) world affairs councils, public ports, world trade organizations, ((~~private nonprofit organizations dealing with international education or international environmental issues, organizations concerned with international understanding, businesses with experience in international relations, or other organizations deemed appropriate by the director~~)) associate development organizations, business and civic organizations, consular officials, executive and small cabinet agencies, institutions of higher education, immigration and labor organizations, public ports, state offices, and private and nonprofit organizations. The governor, or the governor's designee, shall chair such advisory committees;

(2) In conjunction with the legislative committee on economic development and international relations, designate foreign jurisdictions, such as national governments, subnational governments, and international organizations, as jurisdictions of strategic importance to Washington;

(3) Establish procedures and requirements for operations and expenditures to support and enhance state government partnership and relationships with foreign jurisdictions, particularly those identified as of strategic importance. Such operations and expenditures are intended to strengthen state agency economic development and policy cooperation, enable the implementation of the strategic international engagement plan, as determined by the director, and provide resources for government-to-government engagement, as well as support of inbound and outbound delegations to and from Washington state;

(4) Accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this subsection. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and

shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

Sec. 4. RCW 43.330.065 and 2023 c 470 s 2081 are each amended to read as follows:

((~~The department of commerce, in consultation with the office of protocol, the office of the secretary of state, the department of agriculture, and the employment security department[,]~~)) (1) The office of international relations and protocol and the legislative committee on economic development and international relations, in consultation with the department of commerce, the department of agriculture, and other state agencies and offices as appropriate, shall jointly identify up to ((~~fifteen countries~~)) 15 foreign jurisdictions that are of strategic importance to the development and diversification of Washington's international trade relations.

(2) When designating such jurisdictions of strategic importance, the office and committee shall consider factors including:

(a) Existing or potential partnerships in key industrial sectors;

(b) The presence of cultural and people-to-people ties;

(c) The state's economic development priorities and shared interests, consistent with the state strategic international engagement plan;

(d) The presence of international trade offices or other program-based engagement conducted by state agencies; and

(e) Historic or existing bilateral agreements established on a government-to-government basis.

(3) A foreign jurisdiction may not be designated as a jurisdiction of strategic importance under this section if it is currently subject to United States government sanctions for and has been identified by the United States department of state as being engaged in state-sponsored terrorism.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.290 RCW to read as follows:

The office of international relations and protocol shall:

(1) Advise and assist the governor, the legislature, and other independently elected officials on international developments that may affect the state;

(2) Establish and build government-to-government relationships between the state, foreign governments, and international organizations;

(3) Coordinate protocol for foreign dignitaries visiting the governor, the legislature, the judiciary, and other state agencies and offices, including the appropriate criteria and procedures for the signing of bilateral agreements by the governor on behalf of the state of Washington;

(4) Advise, coordinate, and support engagement between the state, foreign governments, and international partners;

(5) Establish, in coordination with the office of the premier of British Columbia, an intergovernmental exchange between the state and British Columbia, cochaired by the governor and the premier of British Columbia or their designees, concerning issues of mutual interests;

(6) Designate an international engagement advisory committee to leverage the expertise of the state's international engagement community;

(7) Assist institutions of higher education in implementing programs for international cooperation and student exchange; and

(8) Improve coordination between state government and the Washington tourism marketing authority.

NEW SECTION. **Sec. 6.** A new section is added to chapter 44.04 RCW to read as follows:

A Washington state—British Columbia interparliamentary exchange group is created. The purpose of the group is to facilitate legislator-to-legislator communication between the two governments, in coordination with the province of British Columbia. The state's representative for the group is the chair of the legislative committee on economic development and international relations.

Sec. 7. RCW 43.15.050 and 2003 c 265 s 1 are each amended to read as follows:

The legislative international trade account is created in the custody of the state treasurer. All moneys received by the president of the senate and the secretary of state from gifts, grants, and endowments for international trade hosting, international relations, and international missions activities must be deposited in the account. Only private, nonpublic gifts, grants, and endowments may be deposited in the account. A person, as defined in RCW 42.52.010, may not donate, gift, grant, or endow more than five thousand dollars per calendar year to the legislative international trade account. Expenditures from the account may be used only for the purposes of international trade hosting, international relations, and international trade mission activities, ((~~excluding travel and lodging,~~)) in which the president and members of the senate, members of the house of representatives, and the secretary of state participate in an official capacity. An appropriation is not required for expenditures. All requests by individual legislators for use of funds from this account must be first approved by the secretary of the senate for members of the senate or the chief clerk of the house of representatives for members of the house of representatives. All expenditures from the account shall be authorized by the final signed approval of ((~~the chief clerk of the house of representatives, the secretary of the senate, and~~)) the president of the senate.

Sec. 8. RCW 43.15.060 and 2020 c 114 s 20 are each amended to read as follows:

(1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development and international relations is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development and international relations which shall consist of ((~~six~~)) eight senators and ((~~six~~)) eight representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than ((~~three~~)) four members from each house shall be from the same political party. Vacancies occurring shall be filled by the appointing authority.

Sec. 9. RCW 43.15.090 and 1985 c 467 s 23 are each amended to read as follows:

The legislative committee on economic development and international relations shall cooperate, act, and function with legislative committees, executive agencies, and with the councils or committees of other states and of provinces and territories of Canada similar to this committee, and with other interstate research organizations.

NEW SECTION. **Sec. 10.** RCW 43.15.085 (Legislative committee on economic development and international relations—Expenses) and 1985 c 467 s 22 are each repealed.

NEW SECTION. **Sec. 11.** RCW 43.330.065 is recodified as

a section in chapter 43.290 RCW."

On page 1, line 2 of the title, after "leadership;" strike the remainder of the title and insert "amending RCW 43.290.005, 43.290.020, 43.330.065, 43.15.050, 43.15.060, and 43.15.090; adding new sections to chapter 43.290 RCW; adding a new section to chapter 44.04 RCW; recodifying RCW 43.330.065; and repealing RCW 43.15.085."

Senator Stanford spoke in favor of not adopting the committee striking amendment.

The President declared the question before the Senate to be to not adopt the committee striking amendment by the Committee on Business, Financial Services, Gaming & Trade to Engrossed Second Substitute House Bill No. 2000.

The motion by Senator Stanford carried and the committee striking amendment was not adopted by voice vote.

MOTION

Senator Stanford moved that the following striking floor amendment no. 850 by Senator Stanford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 43.290 RCW to read as follows:

(1) The office of international relations and protocol shall develop a strategic international engagement plan to guide Washington's international economic development and engagement consistent with RCW 43.290.005. The plan must create a common framework for the state's engagement in international activities, to include: Trade missions, economic development, and interpersonal knowledge, educational, and cultural exchanges.

(2) The office may consult with entities relevant to Washington's international presence when developing the strategic plan, including: Associate development organizations, business and civic organizations, consular officials, executive and small cabinet agencies, institutions of higher education, immigration and labor organizations, public ports, state offices, state ethnic commissions, and private and nonprofit organizations.

(3) The office may utilize the resources of Results Washington for technical and operational assistance in developing the strategic plan.

(4) The office must complete an initial strategic plan by July 1, 2025. This strategic plan shall undergo periodic review to measure progress and outcomes at least every two and a half years thereafter, and it shall be fully updated at least every five years thereafter.

Sec. 2. RCW 43.290.005 and 1991 c 24 s 1 are each amended to read as follows:

The legislature finds that it is in the public interest to create an office of international relations and protocol in order to: Make international relations and protocol ((~~a broad-based,~~)) focused((~~,~~)) and functional ((~~part of~~)) across state government; provide leadership in state government and assist the legislature and state elected officials on international issues affecting the state; establish coordinated methods for responding to foreign governments and institutions seeking cooperative activities with and within Washington; coordinate and improve communication and resource sharing among various state offices, agencies, and educational institutions with international programs; develop and promote state policies that increase international ((~~literacy~~)) engagement and cross-cultural understanding among Washington state's citizens; expand Washington state's international cooperation role in such vital areas ((~~as the environment, education, science, culture, and sports~~)) of public policy as economic development, trade and industry, and tourism and sports, as well as education, culture, science, and resilience; ((~~establish coordinated methods for responding to the increasing number of inquiries by foreign governments and institutions seeking cooperative activities within Washington state; provide leadership in state government on international relations and assistance to the legislature and state elected officials on international issues affecting the state;~~)) and assist with multistate international efforts((~~; and coordinate and improve communication and resource sharing among various state offices, agencies, and educational institutions with international programs~~)).

It is the purpose of this chapter to bring these functions together in a new office under the office of the governor in order to establish a visible, coordinated, and comprehensive approach to international relations and protocol.

Sec. 3. RCW 43.290.020 and 1991 c 24 s 4 are each amended to read as follows:

The office of international relations and protocol may:

(1) Create ((~~temporary~~)) advisory committees as necessary to ((~~deal with specific international issues~~)) execute its responsibilities. The duration and composition of such advisory committees may be determined by the office. Advisory committee representation may include statewide elected officials from the executive branch, or their designees, as well as representatives of the legislative branch and the judiciary. Representation may also include external organizations such as ((~~the Seattle consular corps,~~)) world affairs councils, public ports, world trade organizations, ((~~private nonprofit organizations dealing with international education or international environmental issues, organizations concerned with international understanding, businesses with experience in international relations, or other organizations deemed appropriate by the director~~)) associate development organizations, business and civic organizations, consular officials, executive and small cabinet agencies, institutions of higher education, immigration and labor organizations, public ports, state offices, and private and nonprofit organizations. The governor, or the governor's designee, shall chair such advisory committees;

(2) In conjunction with the legislative committee on economic development and international relations, designate foreign jurisdictions, such as national governments, subnational governments, and international organizations, as jurisdictions of strategic importance to Washington;

(3) Establish procedures and requirements for operations and expenditures to support and enhance state government partnership and relationships with foreign jurisdictions, particularly those identified as of strategic importance. Such operations and expenditures are intended to strengthen state agency economic development and policy cooperation, enable the implementation of the strategic international engagement plan, as determined by the director, and provide resources for government-to-government engagement, as well as support of inbound and outbound delegations to and from Washington state;

(4) Accept or request grants or gifts from citizens and other private sources to be used to defray the costs of appropriate hosting of foreign dignitaries, including appropriate gift-giving and reciprocal gift-giving, or other activities of the office. The office shall open and maintain a bank account into which it shall deposit all money received under this subsection. Such money and the interest accruing thereon shall not constitute public funds, shall be kept segregated and apart from funds of the state, and shall not be subject to appropriation or allotment by the state or subject to chapter 43.88 RCW.

Sec. 4. RCW 43.330.065 and 2023 c 470 s 2081 are each amended to read as follows:

((~~The department of commerce, in consultation with the office of protocol, the office of the secretary of state, the department of agriculture, and the employment security departmentF:\Journal\2024 Journal\Journal2024\LegDay053\.doc~~)) (1) The office of international relations and protocol and the legislative committee on economic development and international relations, in consultation with the department of commerce, the department of agriculture, the office of the secretary of state, and other state agencies and offices as appropriate, shall jointly identify up to ((~~fifteen countries~~)) 15 foreign jurisdictions that are of strategic importance to the development and diversification of Washington's international trade relations.

(2) When designating such jurisdictions of strategic importance, the office and committee shall consider factors including:

(a) Existing or potential partnerships in key industrial sectors;

(b) The presence of cultural and people-to-people ties;

(c) The state's economic development priorities and shared interests, consistent with the state strategic international engagement plan;

(d) The presence of international trade offices or other program-based engagement conducted by state agencies; and

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(3) A foreign jurisdiction may not be designated as a jurisdiction of strategic importance under this section if it is currently subject to United States government sanctions for and has been identified by the United States department of state as being engaged in state-sponsored terrorism.

NEW SECTION. **Sec. 5.** A new section is added to chapter 43.290 RCW to read as follows:

The office of international relations and protocol shall:

(1) Advise and assist the governor, the legislature, and other independently elected officials on international developments that may affect the state;

(2) Establish and build government-to-government relationships between the state, foreign governments, and international organizations;

(3) Coordinate protocol for foreign dignitaries visiting the governor, the legislature, the judiciary, and other state agencies and offices, including the appropriate criteria and procedures for the signing of bilateral agreements by the governor on behalf of the state of Washington;

(4) Advise, coordinate, and support engagement between the state, foreign governments, and international partners;

(5) Establish, in coordination with the office of the premier of British Columbia, an intergovernmental exchange between the state and British Columbia, cochaired by the governor and the premier of British Columbia or their designees, concerning issues of mutual interests;

(6) Designate an international engagement advisory committee to leverage the expertise of the state's international engagement community;

(7) Assist institutions of higher education in implementing programs for international cooperation and student exchange; and

(8) Improve coordination between state government and the Washington tourism marketing authority.

NEW SECTION. **Sec. 6.** A new section is added to chapter 44.04 RCW to read as follows:

A Washington state—British Columbia interparliamentary exchange group is created. The purpose of the group is to facilitate legislator-to-legislator communication between the two governments, in coordination with the province of British Columbia. The state's representative for the group is the chair of the legislative committee on economic development and international relations.

Sec. 7. RCW 43.15.050 and 2003 c 265 s 1 are each amended to read as follows:

The legislative international trade account is created in the custody of the state treasurer. All moneys received by the president of the senate and the secretary of state from gifts, grants, and endowments for international trade hosting, international relations, and international missions activities must be deposited in the account. Only private, nonpublic gifts, grants, and endowments may be deposited in the account. A person, as defined in RCW 42.52.010, may not donate, gift, grant, or endow more than five thousand dollars per calendar year to the legislative international trade account. Expenditures from the account may be used only for the purposes of international trade hosting, international relations, and international trade mission activities, ((~~excluding travel and lodging,~~)) in which the president and members of the senate, members of the house of representatives, and the secretary of state participate in an official capacity. An appropriation is not required for expenditures. All requests by individual legislators for use of funds from this account must be first approved by the secretary of the senate for members of the senate or the chief clerk of the house of representatives for members of the house of representatives. All expenditures from the account shall be authorized by the final signed approval of ((~~the chief clerk of the house of representatives, the secretary of the senate, and~~)) the president of the senate.

Sec. 8. RCW 43.15.060 and 2020 c 114 s 20 are each amended to read as follows:

(1) Economic development and in particular international trade, tourism, and investment have become increasingly important to Washington, affecting the state's employment, revenues, and general economic well-being. Additionally, economic trends are rapidly changing and the international marketplace has become increasingly competitive as states and countries seek to improve and safeguard their own economic well-being. The purpose of the legislative committee on economic development and international relations is to provide responsive and consistent involvement by the legislature in economic development to maintain a healthy state economy and to provide employment opportunities to Washington residents.

(2) There is created a legislative committee on economic development and international relations which shall consist of ((~~six~~)) eight senators and ((~~six~~)) eight representatives from the legislature and the lieutenant governor who shall serve as chairperson. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than ((~~three~~)) four members from each house shall be from the same political party. Vacancies occurring shall be filled by the appointing authority.

Sec. 9. RCW 43.15.090 and 1985 c 467 s 23 are each amended to read as follows:

The legislative committee on economic development and international relations shall cooperate, act, and function with legislative committees, executive agencies, and with the councils or committees of other states and of provinces and territories of Canada similar to this committee, and with other interstate research organizations.

NEW SECTION. **Sec. 10.** RCW 43.330.065 is recodified as a section in chapter 43.290 RCW."

On page 1, line 2 of the title, after "leadership;" strike the

remainder of the title and insert "amending RCW 43.290.005, 43.290.020, 43.330.065, 43.15.050, 43.15.060, and 43.15.090; adding new sections to chapter 43.290 RCW; adding a new section to chapter 44.04 RCW; and recodifying RCW 43.330.065."

The President declared the question before the Senate to be the adoption of striking floor amendment no. 850 by Senator Stanford to Engrossed Second Substitute House Bill No. 2000.

The motion by Senator Stanford carried and striking floor amendment no. 850 was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Second Substitute House Bill No. 2000 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Stanford and Dozier spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2000.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2000 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2000, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 2230, by House Committee on Human Services, Youth, & Early Learning (originally sponsored by Representatives Peterson, Eslick, Gregerson, Ramel, Reed, and Waters)

Promoting economic inclusion by creating the economic security for all grant program.

The measure was read the second time.

MOTION

On motion of Senator Wilson, C., the rules were suspended, Substitute House Bill No. 2230 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wilson, C. and Boehnke spoke in favor of passage of the bill.

MOTION

On motion of Senator Nobles, Senator Van De Wege was excused.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2230.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2230 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland, Conway, Dhingra, Dozier, Fortunato, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Padden

Excused: Senator Van De Wege

SUBSTITUTE HOUSE BILL NO. 2230, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1915, by House Committee on Education (originally sponsored by Representatives Rude, Stonier, Connors, Riccelli, Couture, Senn, McEntire, Santos, Steele, Bergquist, Harris, Walen, McClintock, Eslick, Cheney, Thai, Ortiz-Self, Bronoske, Leavitt, Corry, Tharinger, Low, Ryu, Christian, Slatter, Schmidt, Ramel, Barkis, Ramos, Cortes, Morgan, Reed, Graham, Ormsby, Barnard, Jacobsen, Fey, Timmons, Callan, Rule, Street, Chopp, Doglio, Sandlin, Goodman, Caldier, Berg, Robertson, Wylie, Hutchins, Reeves, Lekanoff, Shavers, Davis, and Griffey)

Making financial education instruction a graduation prerequisite and a required component of public education.

The measure was read the second time.

MOTION

On motion of Senator Wellman, the rules were suspended, Substitute House Bill No. 1915 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1915.

MOTION

Senator Wellman moved that the following striking floor amendment no. 752 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature recognizes that acquiring and applying a basic knowledge of personal finance is critical to the economic well-being of all adults. Without this knowledge, persons are much less well equipped to navigate the complicated financial issues of modern life, including household budgets, consumer debt, loan applications and obligations, and successful retirement planning.

(2) The legislature also recognizes that it has taken meaningful steps to support financial education instruction in public schools, including establishing the financial education public-private partnership in 2004, adopting financial education learning standards in 2015, and providing funds in 2022 for financial education professional development for certificated staff.

(3) In recognition of the relevance and importance of personal finance knowledge, the ongoing efforts of the financial education public-private partnership, and the ability of public schools to teach or continue teaching financial education instruction, the legislature intends to ensure that all Washington students are provided financial education instruction. Therefore, the legislature intends to make financial education instruction a required component of public education while maximizing flexibility for school districts to implement the instruction in a manner that recognizes their local circumstances.

Sec. 2. RCW 28A.300.468 and 2015 c 211 s 4 are each amended to read as follows:

((~~(1)~~)) After consulting with the financial education public-private partnership, the office of the superintendent of public instruction shall make available to all school districts a list of instructional materials that align with the financial education learning standards ((~~integrated into the state learning standards pursuant to RCW 28A.300.460(2)(d).~~

~~(2) School districts shall provide all students in grades nine through twelve the opportunity to access the financial education standards, whether through a regularly scheduled class period; before or after school; during lunch periods; at library and study time; at home; via online learning opportunities; through career and technical education course equivalencies; or other opportunities. School districts shall publicize the availability of financial education opportunities to students and their families. School districts are encouraged to grant credit toward high school graduation to students who successfully complete financial education courses~~)) adopted in RCW 28A.300.469.

NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.230 RCW to read as follows:

(1)(a) Beginning in or before the 2027-28 school year, each school district that operates a high school shall provide all high school students with access to no less than one-half credit of financial education instruction.

(b) The content and instruction required by this subsection (1) may be provided in stand-alone courses or embedded into other courses and subject areas.

(c) Instruction provided in accordance with this subsection (1) must conform with the state financial education learning standards adopted in RCW 28A.300.469.

(2)(a) By December 15, 2025, school districts shall submit to the state board of education and the financial education public-private partnership established in RCW 28A.300.450:

(i) A list of the financial education instruction courses implemented for students during or prior to the 2024-25 school year; and

(ii) A description of the school district actions and other considerations necessary to implement this section.

(b) The financial education public-private partnership shall analyze the information provided under (a) of this subsection and create a statewide implementation plan for the requirements of this section. The plan, which must be submitted to the office of the superintendent of public instruction, the state board of education, and, in accordance with RCW 43.01.036, the appropriate committees of the legislature by September 30, 2026, may include recommendations for additional funding for grants to integrate financial literacy education into professional development for certificated staff and other school district resources in accordance with submissions provided under (a) of this subsection.

(3) Beginning no later than the 2027-28 school year, school districts shall publicize the offering of financial education instruction to students and their parents or legal guardians.

(4)(a) The state board of education shall review and monitor financial education offerings to ensure school district compliance with the requirements of subsection (1)(a) of this section. The reviews and monitoring required by this subsection (4) may be conducted concurrently with other oversight and monitoring conducted by the state board of education.

(b) The state board of education, in accordance with RCW 43.01.036, shall provide a summary of the information collected under this subsection (4) for school years 2027-28 and 2028-29 to the appropriate committees of the legislature by January 10, 2030.

(5) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts."

On page 1, line 2 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.468; adding a new section to chapter 28A.230 RCW; and creating a new section."

MOTION

Senator Wellman moved that the following floor amendment no. 805 by Senator Wellman be adopted:

On page 3, after line 23, insert the following:

"NEW SECTION. **Sec. 4.** Section 2 of this act takes effect August 31, 2027."

On page 3, line 26, after "RCW;" strike "and creating a new section" and insert "creating a new section; and providing an effective date"

Senator Wellman spoke in favor of adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 805 by Senator Wellman on page 3, after line 23 to striking floor amendment no. 752.

The motion by Senator Wellman carried and floor amendment no. 805 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 752 by Senator Wellman as amended to Substitute House Bill No. 1915.

The motion by Senator Wellman carried and striking floor amendment no. 752 as amended was adopted by voice vote.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1915 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Boehnke, Braun, Cleveland,

Conway, Dhingra, Dozier, Frame, Gildon, Hansen, Hasegawa, Hawkins, Holy, Hunt, Kauffman, Keiser, King, Kuderer, Liias, Lovelett, Lovick, MacEwen, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senator Fortunato

Excused: Senator Van De Wege

SUBSTITUTE HOUSE BILL NO. 1915, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:34 p.m., on motion of Senator Pedersen, the Senate adjourned until 10 o'clock a.m. Friday, March 1, 2024.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate